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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 411/89

Date of decision: 18.5.1990.

Miss Raj Kumari

....Applicant

Vs.

Engineer-in-Chief & Others

....Respondents

For the Applicant

....Shri S.S. Tewari,
Counsel

For the Respondents

....Mrs. Raj Kumari
Chopra, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?

(THE JUDGMENT OF THE BENCH DELIVERED BY HON'BLE
MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER)

The applicant, who has worked in the office of the respondents is aggrieved by the impugned order of transfer dated 2.1.1989 whereby she was posted from Chief Engineer's Office to Garrison Engineer's Office at Bhatinda. This posting is in the nature of sensitive appointment. Her prayer in this application filed under Section 19 of the Administrative Tribunals Act, 1985, is that the impugned order of transfer be quashed and that the respondents be directed to retain her at Chief Engineer's Office at Bhatinda till her posting to Delhi on compassionate ground matures.

2. The respondents have stated in their counter-affidavit that Chief Engineer's Office is closer to the

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applicant's residence, that it is a local shifting from one unit to another and that it has been made in the exigencies of service and on administrative grounds.

No change of her residence, status or qualifications are involved. According to them, her name has been struck off ^{the} strength from the Chief Engineer's Office with effect from 30.1.1989 and she reported for duty at Garrison Engineer's Office on 14.3.1989.

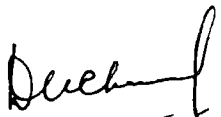
3. We have heard the learned counsel of both parties and have gone through the records of the case carefully. The applicant has not alleged or established any malafides on the part of the respondents. She has also not referred to any statutory rules in violation of which, the impugned order has been issued.

4. The legal position in this regard is well settled. The Supreme Court has observed in Gujarat Electricity Board & Another Vs. Atma Ram Sungomal Poshani, JT 1989(3) SC 20 and in Union of India & Others Vs. H.N. Kirtania, JT 1989(3) SC 131 that transfer of a Government servant appointed to a particular cadre of transferable post from one place to the other is an incident of service. No Government servant has ^{the} legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the matter. Such a transfer may be necessary in public interest and efficiency in the public administration. Whenever a public servant is transferred, he must comply with the order but if there be any genuine difficulty in

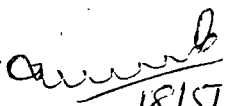
proceeding on transfer, it is open to him to make a representation to the competent authority for stay, modification or cancellation of the transfer order. If the order of transfer is not stayed, modified or cancelled, the concerned public servant must carry out the order of transfer. In the absence of any stay of the transfer order, a public servant has no justification to avoid or evade the transfer order merely on the ground of his difficulty in moving from one place to the other. If he fails to proceed on transfer in compliance with the transfer order, he would expose himself to disciplinary action under the relevant rules.

5. In the instant case, the applicant is holding a transferable post. She has no legal right to insist for her posting at the Chief Engineer's Office alone at Bhatinda. We do not see any good ground for interfering with the impugned order of transfer.

6. In the premises, we see no merit in the present application and the same is dismissed at the admission stage itself. The parties will bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A)

18 May, 1990


18/5/90
(P.K. KARTHA)
VICE CHAIRMAN (J)