

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

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REGN. NO. OA 1285/1988.

July 19, 1988.

Shri Ved Parkash

...

Applicant.

Vs.

General Manager,
Northern Railway & Ors

....

Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

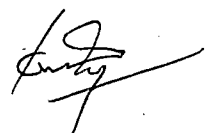
Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri P.N. Talwar, counsel.

This is an application under Section 19 of the Administrative Tribunals Act, 1985, calling in question the order of transfer. The applicant is a Senior Pharmacist Grade I. On his own admission he has been posted in Delhi for the last 20 years. He has now been transferred to Jagadhri Hospital in Ambala Division.

The principal contention of the applicant is that he cannot be transferred out of Delhi Division as the post he is holding is a decentralised post. For this contention, reliance is placed on letter No. 751-E/5/VIII (EIB) dated 8.8.1985 (Annexure A I). However, this letter does not support his contention. There is no reference to the post of Senior Pharmacist Grade I in that letter.

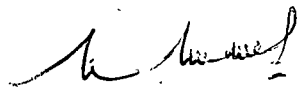
He also contends that while transferring him, a




person junior to him has been posted in his place. This contention is wholly untenable. Neither any Rule nor any Transfer Policy prohibits posting of a junior in place of a senior. In fact, invariably transfer involves transfer of two persons and one would necessarily be junior to the other.

It is next pleaded on behalf of the applicant that since the academic year has already commenced, any transfer at this juncture would cause great hardship to the applicant and his children. The academic year has commenced on 1st July, 1988. The impugned order of transfer was made before the commencement of the academic year. The impugned order of transfer is neither illegal nor unjust.

In this view of the matter, we find no merit in this application. It is accordingly dismissed.


(Kaushal Kumar)
Member
19.7.1988.


(K. Madhava Reddy)
Chairman
19.7.1988.