

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

Regn. No. 36/86

29th January, 1986

CORAM

Shri K. Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

Shri Naresh Kumar

....

Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi.
2. Shri Ved Marwah, Commissioner of Police, Police Headquarters, ITO, Delhi.
3. Shri Virender Rai, Dy. Commissioner of Police, Palam Airport, New Delhi.

Respondents

For petitioner

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Shri Madan Lokur, Advocate

For respondents

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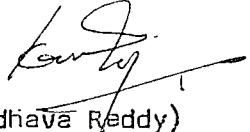
None appeared.

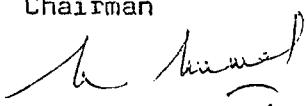
(Judgment of the Bench delivered by
Justice K. Madhava Reddy, Chairman)

This petition is for cancelling the order of transfer made by the first respondent on the recommendations of the second and third respondents.

2. The petitioner, who is a member of the Delhi and Andaman & Nicobar Islands Police Service and was holding the post of Assistant Commissioner of Police, Palam Airport, New Delhi, was transferred and posted to Andaman and Nicobar Administration with immediate effect under Order No. 43814-92 CB-I dated 10-12-1985 issued by the Commissioner of Police, Delhi in pursuance of Government of India, Ministry of Home Affairs, New Delhi's endorsement No. 14020/11/85-UTS dated 3.12.1985. The order is impugned on the ground that it is vitiated by malafides and is also made by way of punishment without following the procedure prescribed by law. We do not consider it necessary to refer to the allegations of malafide in detail. No allegations of malafide are made against the 1st respondent which has ordered the transfer. Even the allegations of malafide made against respondents 2 and 3 appear to be the result of an afterthought which is evident from the fact that in the first representation dated 18.1.1986 made to the Hon'ble Minister of State for Home Affairs, Govt. of India, New Delhi, there is not any whisper of any of these

allegations. The cancellation of transfer order was sought only on humanitarian grounds and not on the ground that the transfer ordered on the recommendations of the second and third respondents was either on the basis of any departmental enquiry or on any ground of malafides. It is not in dispute that the first respondent is competent to order the transfer and no malafides are attributed to the First Respondent. We find no legal infirmity in the impugned order. The petition is, therefore, dismissed. This will not preclude the Government of India from considering the petitioner's pending representation on humanitarian grounds.


(K. Madhava Reddy)
Chairman


(Kaushal Kumar)
Member