

CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI.

Regn.No. O.A. 508/1986.

18th July, 1986.

Shri N.P. Beri Applicant.

VERSUS

Union of India & others Respondents.

CORAM:

Shri Justice K. Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For Applicant Shri N.D. Batra,
Advocate.

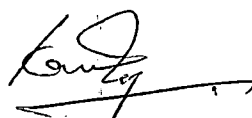
This is an application for quashing the order dated 21st April, 1986, transferring the applicant from TCD-II, CEA to RE (JRC) Inv. Divn., Agartala. The applicant complains that his transfer is contrary to the policy of transfer framed by C.W.C. for Group A, B, C Engineering/Technical staff and Group D posts. The Office Memorandum regarding the Transfer Policy has not been produced, but the relevant portion thereof is stated to be as under: -

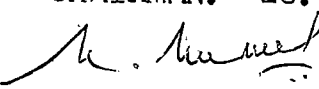
"The Group C & D staff will not be transferred from one Station to another except to meet the following inevitable contingencies:

- (a) When transfers become essential for purposes of adjusting surplus staff or making up deficiencies of staff.
- (b) On the request of employees on compassionate grounds or on mutual transfer request basis.
- (c) At the time of promotion, when the promotee cannot be adjusted locally for various administrative and other valid reasons.
- (d) For exigencies of service or administrative requirements."

The applicant states that having regard to his state of health, as certified by the Medical Superintendent of the Safdarjang Hospital, New Delhi, he should be retained at Delhi, so that he may continue to undergo the treatment and avail the facilities for such treatment at Safdarjang

Hospital. The certificate produced by the applicant does not establish that he should not move out of Delhi. Maybe he is suffering from Hypertension, but if he can attend to his duties at Delhi, he can as well do so at Agartala, which is not altogether devoid of medical facilities. The policy of transfer, referred to above, does not vest an absolute right in the applicant to be retained at any particular place. In fact, it makes it very clear that transfers can be made 'for exigencies of service or administrative requirements'. This is not one of the cases where the transfer is punitive or vitiated by malafide so as to call for interference by this Tribunal. We see no reason to admit this petition. This petition is accordingly dismissed.


(K. Madhava Reddy)
CHAIRMAN. 18.7.86.


(Kaushal Kumar)
MEMBER. 18.7.86.