

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench, New Delhi.

REGN.No. R.A. 46/89 in  
O.A.No. 1827/87

Dated of Decision: 26.4.89.

Shri Subhash Hari

....

Applicant

Vs.


Union of India & Others

....

Respondents

CORAM:- Hon'ble Shri B.C. Mathur, Vice Chairman

Review Application No. 46/89 has been filed by Shri Subash Hari against the order of this Tribunal in O.A. 1827/87 in which his application alongwith two others was rejected on the ground that court should not normally interfere in the matters of transfers issued in public interest unless some serious irregularity or malafide could be established. It was held that transfer of Cipher Assistant had been done in public interest and no malafide could be attributed to the respondents in that case. The case in the review application is that transfers have been made in a haphazard manner and the transfer of employee should be on the basis of longest stay at a particular station and no discrimination can be made between male and female employees. The question of applying Article 15 of the Constitution which prohibits discrimination on the basis of sex was also considered when the order was passed by the Tribunal. It has also been stated that as certain interpretation of the Constitution was involved relating to the Fundamental Rights, the matter should have been referred to a two Members Bench. There was no such objection at the time of the hearing of the original application. No new points have been brought in the Review Application and all the points now raised were also discussed at length while hearing the original application. There is no apparent error of law. In the circumstances, the review application is rejected.

  
( B.C. MATHUR ) 26.4.89  
VICE CHAIRMAN