

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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Date of Decision ... 25th October, 1991

Coram

Hon'ble Shri S.P.Mukerji, Vice Chairman

OA. 67/87

Mr. Jahan Singh Ran ... Applicant

Vs.

Union of India & Others --- Respondents

Mr. M.L.Verma .. Counsel for the respondents

Judgement

(Delivered by Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application the applicant who has been working as Liaison Officer, Government of Lakshadweep at New Delhi has challenged the order of his transfer dated 1.1.87 as Labour Officer, Calicut. The applicant obtained a stay order on 10.2.87 and has been continuing at New Delhi since then. According to the applicant, he joined Respondent-2 (Administrator, Union Territory of Lakshadweep) as Labour Enforcement Officer in 1981 and got training for the same. He was posted to Delhi in 1983 when it was detected that he was suffering from Cancer of ^{the} nostril. He underwent an operation at the Safdarjung Hospital, New Delhi and ^{has been} ~~is~~ getting follow up treatment. The applicant has alleged that his transfer to Calicut was engineered by Respondent-3, the Special Commissioner, Goa who was to supervise the liaison office of the Lakshadweep Government at New Delhi and whom the applicant annoyed by not obliging him through termination of service of one Ms Vijaya Usha who is the relative of the applicant. The Special Commissioner wanted the applicant

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to terminate her services in order to accommodate a person in whom the Special Commissioner was interested. He has also argued that his presence in Delhi is necessary to prosecute a false criminal case filed against him ~~through~~ ^{due to} family feuds.

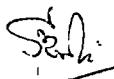
2. In the counter affidavit the respondents have stated that the applicant was transferred to Calicut where facilities for Cancer treatment are available. On several representations of the people of Lakshadweep the applicant was transferred as Labour Enforcement Officer and he can easily visit the main island of Lakshadweep from Calicut and his services were no more required in Delhi. They have stated that the applicant appointed his sister-in-law on daily wages without consulting the Employment Exchange. The applicant has been in Delhi for more than 3 years (as on 10.1.87 when the counter was filed).

3. In the rejoinder the applicant has stated that the facilities of visiting Lakshadweep from Calicut are not easy. He has argued that employment of his sister-in-law was given by the Administrator. In a further rejoinder he has stated that he was suspended with effect from 1.4.87.

4. I have heard the arguments of the learned counsel of both the parties and gone through the records carefully. The applicant was recruited and trained for the post of Labour Enforcement Officer in 1981. According to the respondents, there is no use of a trained Labour Enforcement Officer in Delhi and on the representations of the people of Lakshadweep he was transferred in that capacity to Calicut where facilities for Cancer patients are available.

The applicant has already got the benefit of stay in Delhi for more than 7 years. Since the order of transfer was issued by Respondent-2 who is not under the control or influence of Respondent-3 against whom malafides had been alleged by the applicant, I see no force in the allegation of malafides in the order of transfer. It is now established law that it is for the Executive authorities to deploy their human resources in the best public interest and that Courts should not intervene unless there are collateral reasons or malafides. Since none of these grounds exists and since the applicant has had enough of his stay in Delhi and since public interest demands the utilisation of his talent as Labour Enforcement Officer, I see no force in the application and dismiss the same. The interim order will stand vacated.

There will be no order as to costs.


25.10.91
(S.P. Mukerji)
Vice Chairman
25.10.1991