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In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No.1231/87

Date of decision: 1.1.1993.

Shri Padam Singh

...Petitioner

Versus

Lt. Governor of Delhi &  
Others

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman  
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

None

For the respondents

Mrs. Avnish Ahlawat, Counsel.

Judgement(Oral)  
(Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared for the petitioner when the case was called out. As this is a very old matter, we consider it appropriate to dispose of the case on perusing the records and hearing the learned counsel for the respondents.

2. The petitioner has challenged the order dated 18.8.1987 by which he has been transferred from the position of Grade-III (Sub-Inspector) from the Directorate of Agricultural Marketing and posted in the Maulana Azad Medical College against a vacant post of Grade-III (U.D.C.) with immediate effect. On 4.12.1980 there was a merger of the executive and ministerial cadres of the Delhi Administration Subordinate Services in respect of Grades-I to IV. The merger was challenged unsuccessfully. The SLPs filed against the decision were also


dismissed. Consequent upon the merger everyone who belongs to the same cadre is liable to be transferred from one post to another. That is what has been done in this case. He has been transferred in the same place from one post to another. It is not the case of the petitioner that the transfer has brought about lowering of his position and status and it has affected his pay and emoluments in any manner. The petitioner, however, maintains that the transfer is illegal, having regard to the decision of the Principal Bench of the Tribunal in OA No.561/86 and 67/86 between O.B.L. Bhatnagar v. Delhi Administration & Others decided on 23.7.1987.


It is necessary to point out that in the said judgement the merger has been upheld. What has been quashed is Rule-26 which provided for regulation of seniority. Striking down of Rule 26 which regulated seniority has nothing to do with the power to transfer of persons from one position to another in the same cadre, consequent upon the merger in December, 1980. There cannot be any doubt that the posts are transferrable and, therefore, the authorities were entitled to transfer officials from one position to another position as long as they belong to the same cadre. It is, therefore, not possible to take the view that the transfer is without the authority of law on the ground that Rule 26, regulating seniority has been struck down. It is also not possible to accept the bald assertion of the petitioner that the transfer is malafide and is not based on good and valid reasons.

✓ We are satisfied that the transfer has been made in

public interest and, therefore, not liable for interference.

3. For the reasons stated above, this petition fails and is dismissed. No costs.

  
(I.K. RASGOTRA)  
MEMBER(A)

  
(V.S. MALIMATH)  
CHAIRMAN

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