

Central Administrative Tribunal
Principal Bench, Delhi

NO. RA. 141/88 in OA 1405/88 Date of decision:

16.10.1989

Shri K.L. Rehani,

Applicant

Vs.

Union of India

Respondents

PRESENT

Applicant in person.

Shri P.H. Ramchandani, Sr. Counsel, for the respondents.

This is a review application filed by Shri K.L. Rehani, against the judgment passed by this Tribunal on 11.10.88 in OA 1404/88. In that case it was not found necessary to interfere with the orders of transfer of the applicant by the President of the Income-tax Appellate Tribunal who had mentioned that the case of the applicant would be considered as and when occasion arises.

2. In the review application, the applicant has alleged that an impression is given that there was lack of application of mind by the court as there was no judicial determination of facts or a judicial decision on a question of law. According to him, he has already been transferred a number of times and his transfer to Chandigarh when he had hardly 2-1/2 years service left was not proper, specially as the person who was brought in his place had more than a decade to serve before his retirement.

3. The review application has not brought out any apparent error of law or any new points which were not already considered while delivering the judgment. No malafide had actually been established against the respondents. In the case of **Union of India & Others Vs. H.N. Kirtania - Judgments Today 1989 (3) SC 132**, the Supreme Court has held that Central Government employees working on transferable posts are liable to be transferred from one place to the other in the country and such transfers should not be interfered with unless there are strong and pressing grounds rendering the transfer order

illegal. The Supreme Court has held that such an officer has no legal right to insist for his posting at any particular place of his choice. Normally transfers of officers within two years of their retirement are not made away from the last place of posting or the home town, but in this case transfer orders were issued 2-1/2 years earlier. As such, the applicant does not get any legal right to refuse to go on transfer, but due to his personal circumstances and due to some sort of assurance given by the President, I.T.A.T. a hope was expressed that the applicant's case would be examined sympathetically. I still hope that his case would be considered by the respondents, but it is entirely left to them to pass appropriate orders. This is not a matter in which the court would like to interfere. In view of this, the review application is rejected.

B.C. Mathur
16.10.88
(B.C. Mathur)
Vice-Chairman