

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 1183/1990
T.A. No.

199

DATE OF DECISION 03.07.1990.

Shri Ved Prakash Gupta

Petitioner

Shri R.L. Sethi

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri N.S. Mehta, Sr. Counsel

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.C. MATHUR, VICE CHAIRMAN(A)

The Hon'ble Mr. J.P. SHARMA, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGMENT (ORAL)

(The judgment of the Bench delivered by Hon'ble Mr. B.C. Mathur, Vice Chairman(A))

Heard the learned counsel of both parties. In this OA, the applicant has come to this Tribunal against the impugned transfer order on the ground that the transfer is not honest, reasonable or in public interest and that the transfer is the result of victimisation. It has been stated that the applicant is a poor employee with old parents and an ailing wife to support and that the transfer order violates the guidelines laid down in the judgment of the Full Bench of this Tribunal in Kamlesh Trivedi's case. It is also stated that the applicant's children are studying and his transfer would be suicidal. Moreover, the

applicant's daughters are of marriageable age and the transfer would upset their marriage. The impugned order dated 17.5.1990 indicates that the transfer of 10 officers including the applicant was done in public interest. It has also been stated by the learned counsel of the respondents that the applicant has been working in the Licencing Authority and has the longest stay there. The learned counsel of the applicant refutes this saying that the applicant is neither senior with longest stay in Delhi nor juniormost in that section and that he had earlier in 1983 refused his transfer to Kanpur on promotion which was at that time accepted by the department.

2. Shri Mehta's case is that there is no arbitrariness in this transfer order. The Licencing Section is a sensitive area and officers cannot be allowed to work there for long periods.

3. We have given careful consideration to the arguments made by both the counsel. While, it is true that the present transfer order will cause a lot of harassment to the applicant but there does not appear to be any violation of any statutory rules or mala fide in this case. As held by Hon'ble Supreme Court in Kirtania's case (U.O.I. & Others Vs. H.N. Kirtania (1989) 3 SCC 445), the Court should not interfere in transfer orders made in public interest. We, however, leave it to the respondents to consider whether the applicant can be adjusted in some other seat in Delhi in view of his family circumstances, but the present application cannot be allowed and is dismissed in limine.

The parties will bear their own costs.

(J.P. SHARMA)
MEMBER (J.)

3.7.90
(B.C. MATHUR)
VICE CHAIRMAN(A)