

28.11.1990

Present : Applicant in person.

Mrs. Raj Kumari Chopra, counsel for the respondents.

Heard the applicant in person and the learned counsel for the respondents. We have gone through the pleadings also. It is not disputed that the applicant has remained posted at Bhopal from 5.8.1985 till 30.4.1990. Thereafter, he was transferred to J & K but on his representation, the order of transfer was modified and he was transferred to Chandigarh. Since the posting at Chandigarh could not materialise because of certain administrative reasons, the applicant was finally transferred to Delhi. He has already taken over the post at Delhi on 21.8.1990. Considering that the interim relief prayed for by the applicant himself was ^{for being} ~~to be~~ posted at Bhopal or in Delhi, we feel that by his posting to Delhi, his requirements have been met. Having been posted at Bhopal for four years, he cannot claim to ^{remain} ~~be~~ posted at Bhopal. The question of proper deployment of a person in the department which in this case is ^{the} Central Intelligence Bureau has to be left entirely to the administrative reasons and judgement of the respondents. Transfer is an incident of service and should not normally be interfered with, by judicial ^{bodies} ~~body~~, except where it is on malafide grounds ^{or in punitiv or for collatral purpose}. We do not think that such ~~a~~ circumstances exists ⁱⁿ in this case.

As regards the payment of salary and allowances between 1.5.1989 to 20.8.1990, this Tribunal ~~has~~ already passed orders on 18.9.90 directing the respondents "to pay an ad hoc amount towards the pay and allowances of the applicant, subject to adjustment, after full particulars have been received by the respondents. They may make the interim payment within two weeks."

(M)

The learned counsel for the respondents drew our attention to the order issued at Annexure R-5 by which payment of ~~star~~ salary is being made ^{only} from 21.8.1989. We direct the respondents to comply with the interim order of this Tribunal dt. 18.9.90, clarifying that by that order, the respondents were directed to pay an ad hoc amount towards pay and allowances of the applicant ^{This should be done} from 1.5.90 to 20.8.90, within a period of two weeks from the date of communication of this order. This ad hoc amount will be adjusted on regularisation of this period between 1.5.90 to 20.8.90, after the applicant applies for the same, giving full particulars. He may do so within a week from the date of this order.

The application is disposed of on the above lines.

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29/11/90
(T.S. OBEROI)

MEMBER(J)

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23/11/90
(S.P. MUKERJI)
VICE CHAIRMAN(A)