

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2615/90
T.A. No. 199

DATE OF DECISION 15.3.1991.

Shri Uma Shankar Parashar	Petitioner Applicant.
Shri J.C. Mahindra	Advocate for the Petitioner(s) Applicant.
Versus	
Union of India & Anr through Secretary, Ministry of Defence	Respondent
Sh. P.H. Ramchandani,	Sr. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J).

The Hon'ble Mr. M.M. MATHUR, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? / No
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
MR. M.M. MATHUR, MEMBER (A))

The applicant, working as Senior Store Keeper in the Directorate of Quality Assurance (Naval) in the Ministry of Defence at New Delhi, is aggrieved by his transfer to Bombay by the impugned order dated 23.8.1990. The application was filed in the Tribunal on 27.11.1990. On 14.12.1990 when it came up for admission, the Tribunal passed an interim order directing the respondents not to give effect to the impugned order of transfer. The interim order has, thereafter been continued till the case was finally heard on 28.2.1991 and orders reserved thereon.

2. The facts of the case are as follows. The applicant was appointed as Senior Store Keeper in 1975. He was posted at

Calcutta from 1975 to 1983 when he was transferred to Delhi. From 1983 to date he has worked at Delhi.

3. According to the applicant while working at Delhi, he raised certain objections in regard to the supplies made by M/s Sangam Steel Industries of Naraina, New Delhi in respect of the steel show-cases. This led to audit objections being raised. According to him, this incident has annoyed his superior officers.

4. The applicant has stated that his wife is a teacher in a Delhi Administration School. According to him, his transfer is in violation of the Policy embodied in the letter of the respondents dated 21.5.1975 in terms of which no Class-III or Class-IV employee shall be transferred except in special circumstances. He has contended that there are no such circumstances in his case. Another directive contained in the Transfer Policy is that where both husband and wife are Government employees, they should be kept in the same station as far as possible. The other ground on which he has sought for his continuance in Delhi is the ill health of his younger sister and his wife.

5. The respondents have stated in their counter-affidavit that the applicant is holding a transferable post. According to them, he has been transferred on administrative grounds and in public interest.

6. With regard to the contention of the applicant that he has incurred the displeasure of his superiors, the respondents have denied the same. According to them, the audit objection had been dropped at the initial stage itself. They have stated that workload at the headquarters' office at

Delhi has been reviewed by the Cadre Reviewing Committee. According to the recommendations of the Committee, three posts of Senior Store Keeper are to be surrendered out of which one post at the headquarters is earmarked for surrender.

In order to meet the requirements of one Senior Store Keeper at Bombay, the applicant has been transferred to Bombay.

7. We have gone through the records of the case and have considered rival contentions. At the outset, we may point out that the applicant has not substantiated the allegations of malafide against the respondents. The Transfer Policy also does not place any embargo on the transfer of any employee on administrative grounds. The respondents have pointed out that the wife of the applicant is not an employee of the Central Government.

8. The applicant has referred to the transfer of one Shri Rakesh Chander, Senior Store Keeper from Bombay to Delhi on compassionate grounds. The respondents have explained in their counter-affidavit that Shri Rakesh Chander has been appointed on deputation basis in the Directorate of Standardisation, New Delhi which is a different office.

9. The applicant has worked in Delhi for a fairly long time. In the circumstances, this does not appear to be a fit case in which the Tribunal should interfere with the action taken by the respondents in the exigencies of service. It is for the respondents and not for the Tribunal to consider the genuine difficulties of the applicant and take a decision. The legal position has been clearly laid down by the Supreme Court in its recent decisions in

Gujarat State Electricity Board and another Vs. Atma Ram,
1989(3) JT 20 and Union of India Vs. H.N. Kirtania, 1989(3)
SCC 455.

10. In the light of the aforesaid pronouncements of the Supreme Court, we see no justification to interfere with the action taken by the respondents. There is no merit in the present application and the same is dismissed. The interim order passed on 14.12.1990 and continued thereafter is hereby vacated. There will be no order as to costs.

15/3/91
(M.M. MATHUR)
MEMBER (A)

15/3/91
(P.K. KARTHA)
VICE CHAIRMAN

MSR