

17.5.1990

D.A. No. 469/90

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Applicant through Shri B.N. Bhargava, Counsel.

On behalf of the respondents Shri P.S. Mahendru, Counsel, is present.

We have heard Shri B.N. Bhargava, learned counsel for the applicant in this D.A. We have also heard Shri P.S. Mahendru, learned counsel for the respondents.

In this D.A., the transfer of the applicant from Baroda House, New Delhi to the Diesel Shed, Tugalkabad (New Delhi) has been challenged. The applicant does not allege that there is any mala fide in making the order of the transfer, but has urged that he is not being given posting according to his satisfaction and as such the D.A. may be admitted.

We are not satisfied that this makes out a case for setting aside the transfer order. The applicant was working originally in Tugalkabad and he had been taken to Baroda House as a Staff Car Driver. Since he has become surplus, he is being repatriated to his original place. In view of the decision of the Hon'ble Supreme Court in the case of Union of India Vs. H.N. Kirtania (JT 89(3) SC 132), we do not find any good reason to admit this Application. We accordingly dismiss this at the admission stage.

B.C. Mathur
17.5.90

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

AB

(AMITAV BANERJI)
CHAIRMAN

SRD