

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.49/90

DATE OF DECISION: 23.5.1990.

SHRI YOGINDER PAL SOMANI

APPLICANT

SHRI B.D. THAREJA

ADVOCATE FOR THE APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

SHRI O.N. MOOLRI

ADVOCATE FOR THE RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. M.M. MATHUR, MEMBER (A)

J U D G E M E N T

(Delivered by the Hon'ble Mr. T.S. Oberoi, Member (A))

In the present OA, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who is presently working as a Khalasi under Inspector of Works, Hapur in the Moradabad Division of the Northern Railway, apprehends his possible transfer from that station, to some other. He has come up by way of the present OA, seeking direction to the respondents, not to transfer him from the said place, to any other place, as he finds his present place of posting more congenial for his other pursuits.

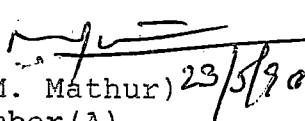
8

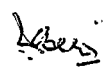
2. In the counter filed on behalf of the respondents, a preliminary objection has been raised to the effect that, at present there is no impugned order, worth the name, and therefore, the present OA does not lie merely on the apprehensions on the part of the applicant.

3. We have considered the rival contentions and have also perused the contents of the application togetherwith, that of the counter and the rejoinder, filed on behalf of the parties.

4. As is obvious, there is no order, or any communication, from the respondents, with regard to the apprehended transfer of the applicant from the place of his present posting. Otherwise also, transfer is an essential incident or attribute of service and in the absence of any order in writing, we find that the present OA is ^{too} premature, to attract any order from this Tribunal.

5. As a result, the application is dismissed. There will be no orders as to the costs.


(M.M. Mathur) 23/5/90
Member (A)

 23.5.90
(T.S. Oberoi)
Member (J)