

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 568/90
T.A. No.

199

DATE OF DECISION 23.11.1990.

Shri Gagai Singh Sharma, Petitioner Applicant

Applicant in Person Advocate for the Petitioner(s)

Versus
Union of India through Secy.,, Respondent
Miny. of Defence & Ors.

Shri M.L. Verma Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
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? No

(Judgement of the Bench delivered by
Hon'ble Mr. P.K. Kartha, V.C.)

The grievance of the applicant pertains to his transfer from the Office of L.A.O., Hindon, to the Office of D.P.D.O., Jhajjar under the organisation of C.D.A., Meerut by the impugned order dated 20.3.1990. The applicant complied with the said order of transfer but under protest. He is now working at Jhajjar.

2. The applicant joined service in 1963 as Upper Division Clerk in the ~~XXXXXX~~ Pay & Accounts ^{Office} at Mathura. He was transferred to Delhi in the Office of Local Audit Officer (L.A.O.) in 1974. He has served in many offices of the L.A.O. in Delhi. In 1987, he volunteered himself for transfer to three stations, i.e., Hindon, Muradnagar and Meerut. He

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was transferred to Hindon in October, 1987. Thereafter, he was transferred to Jhajjar by the impugned order.

3. The applicant has alleged that persons senior to him are still working in the Office of the L.A.O., Hindon, that as per the instructions of the respondents, the tenure of one station and one command is minimum ten years, whereas he has served at Hindon for $2\frac{1}{2}$ years only, and that the impugned order is arbitrary, illegal and mala fide.

4. In the main application as well as in the replication, he has not produced any document to substantiate the allegation of mala fides against the respondents.

5. The respondents have contended in their counter-affidavit that the applicant is holding a transferable post and that he can be transferred in the exigencies of service and in public interest. According to them, he is amongst the senior-most persons who had worked at Hindon.

6. We have carefully gone through the records of the case and have considered the rival contentions. During the arguments, we have been told that the distance between Hindon and Jhajjar is about 42 Kms. The transfer of the applicant has not caused any disruption in his family life as such. He continues to reside in the same place and his children also are studying in the schools where they have been earlier. There is no material on record to indicate that the transfer was not in the exigencies of service and not in public interest.

7. The applicant has filed an application on 6.11.1990 along with some correspondence to allege mala fides on the part of Shri K.R. Nair, who was the then Local Audit Officer at Hindon. The learned counsel for the respondents stated

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that in the documents filed by the applicant on a date preceding the date of the impugned order of transfer dated 20.3.1990, the applicant has not alleged any mala fides on the part of Shri Nair. The applicant had only sought for an interview with the higher authorities to bring to their notice certain irregularities adopted by Shri Nair, the L.A.O. On 21.3.1990, the applicant wrote to Shri Nair with reference to the impugned order of transfer that his grievance pertained to the manner in which Shri Nair was conducting himself in his office as such, that Shri Nair was not attending the office in time, that he used to absent himself from office without obtaining leave, that he used to employ one staff member to do his personal errands, that he used the device of "divide and rule" in the office, and the like. None of these allegations pertains to the ill-will of Shri Nair towards the applicant.

8. The applicant has not substantiated the allegation of mala fides against Shri Nair. The applicant being the holder of a transferable post, we see no reason to disbelieve the version of the respondents that the transfer of the applicant has been ^{made in} done in the overall interest of administration and in public interest. There is no merit in the application and the same is dismissed.

There will be no order as to costs.

(Deekshanta)
(D. K. Chakravorty)
Administrative Member
28/11/1990

(Deekshanta)
28/11/1990
(P. K. Kartha)
Vice-Chairman (Judl.)