

(3)

Central Administrative Tribunal
Principal Bench: New Delhi.

.....

Regn.No.OA-607/90

Date of Decision: 16-8-90

Shri Munshi Lal & Ors.

.... Applicants.

Vs.

Union of India

.... Respondents.

For the applicant

.... Shri V.K.Pandit,
Advocate.

For the respondents

.... Shri P.S.Mahendru,
Advocate.

CORAM: Hon'ble Shri D.K.Agrawal, Member(Judicial).
Hon'ble Shri P.C.Jain, Member(Administrative).

JUDGEMENT

(Delivered by Hon'ble Shri D.K.Agrawal)

This application under Section 19 of the Administrative Tribunals Act, 1985 relates to transfer of the applicants working as labourers under the project work in the III and IV line between Ghaziabad and Sahibabad from Ghaziabad (U.P.) to Zind (Haryana). Their only grievance as contained in para 6.10 and 6.11 is that the education of their kids will be disturbed and that on transfer to the new unit their seniority would also be disturbed. The respondents reply to the above paragraphs is to the effect that 10 gangs working on the project on 3rd and 4th line between Ghaziabad and Sahibabad were rendered surplus; therefore, to avoid hardship likely to be caused to the casual labourers by retrenchment ^{it was} decided by the administration to transfer them to other project where they could be absorbed. The respondents have further pleaded that the transfer policy was duly adopted in consultation with the recognised union which had suggested that the total number of working days put in by a casual labour may be treated to be a criteria for transfer. Thus, the respondents have pleaded that the transfer was effected on the basis of the above criteria as agreed to between the representatives of the recognised union and the administration.

Dr. Agrawal

2. We have heard the learned counsel for the parties and perused the records. Transfer is a necessary incident of service. It is the settled view ^{that} unless a transfer is malafide or illegal or against the statutory rules, the same cannot be interfered with. There is no such plea in the instant case. On the other hand, as pleaded by the respondents, the petitioners were transferred in their own interest, otherwise, once they were declared surplus they had to face retrenchment. Thus, we are of the opinion that the transfer in question was made in public interest as well as in the interest of the petitioners. We are, therefore, not inclined to interfere with it.

3. In the result, the petition is dismissed without any order as to costs.

P.C. Jain
(P.C. Jain)
Member (A)

D.K. Agrawal
(D.K. Agrawal)
Member(J)