

In the Central Administrative Tribunal
Principal Bench, New Delhi.

Date of decision: 26.4.1990.

Regn. No. O.A. 742/90

Shri A.K. Sharma .. Applicant

vs.

UOI & Ors. .. Respondents.

CORAM:

Hon'ble Mr. T.S. Oberoi, Member (J)

Hon'ble Mr. I.K. Rasgotra, Member (A)

For the applicant: Shri S.N. Shukla, counsel.

ORDER (oral)

(delivered by Hon'ble Shri T.S. Oberoi, Member).

Heard the learned counsel for the applicant.

2. The applicant has come up with the present O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking cancellation of the impugned order dated 19.4.1990, transferring him to Pune from Delhi. The learned counsel for the applicant urged that the applicant's wife is also employed in Delhi and, according to the policy of the Government, both husband and wife, should be kept at the same station, as far as possible and, therefore, in conformity with the said policy, the applicant should be retained at Delhi, instead of being transferred to Pune.

3. We have given careful consideration to the pleas put forth by the applicant, and have also perused the other contents in the application.

4. The applicant, as per his own assertion, has been serving in Delhi from 1981 till his transfer by the impugned order. Though the impugned order is dated 19.4.1990, bringing into effect his transfer with effect from 30.4.1990 afternoon, no representation seems to have

been made by the applicant to his immediate superiors. As already held by the Hon'ble Suprme Court in a catena of judgments, transfer is an incident of service and keeping in view the long spell put in by the applicant at Delhi, we do not feel inclined to interfere with the impugned order, at this stage. The applicant will, however, be at liberty to represent his difficulties to the Department, particularly with regard to his wife's continued posting at Delhi, for such action as may be deemed necessary by the respondents in the matter.

5. The application is disposed of at this stage itself, in terms of Section 19 (3) of the Administrative Tribunals Act, 1985.

Subhash
(I.K. Rasgotra) 26/4/90
Member (A)

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