

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 2406 of 1991
 T.A. No. 199

(3)

DATE OF DECISION 31.10.91

O.P. Sharma	Petitioner
Shri Umesh Mishra	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Shri D.P. Malhotra	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri Justice
 Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

filed

The applicant/this O.A. containing the prayer for setting aside the impugned order of his transfer dated 3.10.91 from Delhi to Pune. The applicant at the relevant time was working as Senior Inspector with the Employees State Insurance Corporation, New Delhi. It is admitted by the applicant, at the Bar, that he is working at Delhi from the year 1980. In March 1981, the applicant was given ad hoc promotion in the post of Insurance Inspector and subsequently in June 1981 he was regularised. He was also transferred to join his post at Madhya Pradesh. The applicant represented raising the ground that his wife was employed at Delhi and his children were school going etc. etc. However, on representation his promotion order was cancelled. Now, he has been directed to proceed to Pune on transfer. The applicant terms his transfer order as arbitrary and unjust. We have heard the learned counsel at length.

Ram Pal

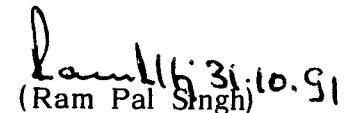
(X)

2. The applicant filed his representation on 10.10.91 against this transfer order which was raising the same point which he had raised earlier when he was promoted and transferred to Madhya Pradesh. Thus, that representation was rejected by an order (Annex. R-1) on 17.10.91 in which it is mentioned by the Administrative Officer that the representation was considered by the Insurance Commissioner and after careful consideration, the same has been rejected. The applicant, therefore, prays for interference of this Tribunal under Section 19 of the Administrative Tribunals Act of 1985.

3. The law with regard transfer of a Government employee has, by now, been well settled in the cases of Shanti Kumari vs. Regional Deputy Director, Health Services, Patna (AIR 1981 SC 1577), Gujarat Electricity Board and another Vs. Atmaram Sungomal Poshani (AIR 1989 S.C. 1433) and Union of India and others vs. H.N. Kirtania (1989 (3) S.C.C. 445). The applicant is working on a transferable post. By his transfer order, the service conditions, pay and emoluments are not at all affected. He is working in Delhi from 1980. In view of the settled position of law, we are not inclined to interfere in the transfer order though an ex-parte order staying the transfer of the applicant for a period of 14 was made by this Tribunal on 6.10.1991. This O.A. is bereft of any merit and we dismiss it without notice to the respondents. The interim order passed earlier stands automatically vacated.


(L.K. Rasgotra)

Member (A)


(Ram Pal Singh)

Vice-Chairman (J)