

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

**O.A. No. 2447 of
T.A. No. 1991**

DATE OF DECISION 23.10.91

<u>S.C. Jhingan</u>	Petitioner
<u>Shri Prem Lal</u>	Advocate for the Petitioner(s)
<u>Union of India & Another</u> Versus	
Respondent	
<u>Advocate for the Respondent(s)</u>	

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

By this OA, filed under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred as 'Act'), the applicant challenges his transfer order (Annexure A) dated 25.91 by which the applicant has been transferred from Military Farm, Dehradun, to GRTU, Raiwala, and was directed to move by the 20th May, 1991.

2. Annexure 'A', the transfer order dated 2.5.91, contains the transfer orders of 36 persons. Thus, it appears that this transfer order has been passed in public interest and on administrative grounds. The applicant filed a representation which was rejected. The applicant contends that the transfer order is malafide; that it is against the transfer policy of the Department; that the educational career of the children studying in 10th and 11th classes will

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(3)

not
be disturbed as the next place of posting does / have any suitable
educational institution etc. etc. The applicant also prays for interim
relief of staying his transfer till the decision of this O.A.

3. The law with regard to the transfer of a Government
servant has, by now, been settled by the apex court in the judgments
of **Shanti Kumari vs. Regional Deputy Director, Health Services,**
Patna (AIR 1981 S.C 1577), Gujarat Electricity Board and another
vs. Atmaram Sungomal Poshani (AIR 1989 S.C. 1433) and U.O.I. &
others vs. H.N. Kirtania (1989 (3) S.C.C. 445). The apex court
has held that if the transfer of a Government servant is due to
exigencies of service or due to administrative reasons, the courts
cannot interfere in such matters. It is also held that a public
servant when transferred must comply with the order. If he has
any genuine difficulty, he should file a representation to be con-
sidered by the competent authority. It has also been held that unless
there are strong and pressing grounds, the order of transfer should
not be interfered with. It has also been held that unless the transfer
order is malafide and contravenes statutory rules, it should not
be interfered with.

4. We have heard the learned counsel elaborately and are
not satisfied that there are any strong and pressing grounds for
interfering with the transfer order. If the children cannot be moved
from Dehradun for fear of damaging their educational career, then
the applicant can apply for retaining his present residential accommo-
dation for the purpose and we are sure that the authorities shall
reconsider their stand and also consider sympathetically the genuine
difficulties of the applicant. On the face of this settled position
of law, we are not inclined to either grant interim relief or admit
the O.A. Consequently, this O.A. is dismissed without notice.

I.K. Rasgotra
(I.K. Rasgotra) 23/10/91

Member (A)

Ram Pal Singh
(Ram Pal Singh) 23.10.91

Vice-Chairman (J)