

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

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

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 &amp; Another</u>	Respondent
	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

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 25.91, 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


*Ram Pal Singh*

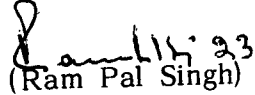
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not  
be disturbed as the next place of posting does/ have any suitable educational institution etc. etc. The applicant also prays for interim relief of staying his transfer till the decision of this O.A.

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 considered 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 accommodation 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) 23/10/91  
Member (A)

  
(Ram Pal Singh) 23.10.91  
Vice-Chairman (J)