

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

3

O.A. No.892 OF 2004  
M.A. No.748 OF 2004

New Delhi, this the 21th day of April, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. J.P. Verma  
Senior Auditor, A/C No.8310338  
the then Chairman,  
All India Defence Accounts Association,  
Branch : Accounts Office (Research &  
Development) ADRDE Complex, Station Road,  
A G R A (U.P.).  
Presently posted at:  
Office of the Local Audit Officer (S),  
Central Ordnance Depot., A G R A (U.P.).

2. R.S. Naulakha,  
Senior Auditor, A/C No.8314005  
Office of the Local Audit Officer (AIR-FORCE)  
A G R A - CANTT.

....Applicants

(By Advocate : Shri D.N. Sharma)

Versus

1. Union of India  
(Through :- The Secretary to the Government  
of India) Ministry of Defence, South Block,  
New Delhi.

2. The Controller General of Defence Accounts,  
Ministry of Defence, Government of India,  
West Block-V, R.K. Puram, New Delhi.

3. The Principal Controller of Defence Accounts  
(Research & Development), Church Road,  
New Delhi-110066.

4. The Assistant Controller of Defence Accounts,  
(Research & Development), ADRDE Complex,  
Station Road, AGRA (U.P.)

....Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

MA 748/2004

MA 748/2004 is allowed subject to just  
exceptions. Filing of a joint application is  
permitted.

*Ms Ag*

OA 892/2004

The applicants by virtue of the present Original Application seek that shifting of the applicants from the Office of Assistant Controller of Defence Accounts (Research & Development), Agra ur ~~Agra~~ is unfair, arbitrary and against the settled principles of natural justice. They seek setting aside of the said order and that they should be placed back in their post and position in the office of Assistant controller of Defence Accounts, Agra.

2. Some of the relevant facts are that applicant No.1 earlier posted at New Delhi was transferred to A.O. (Research & Dev.), Agra in September, 2001 while applicant No.2 was transferred from New Delhi to the same office at Agra in April, 2003.

3. Learned counsel for the applicants contends that (a) the applicants are members of the Joint Consultative Machinery and, therefore, their transfer could not be affected; (b) there are other persons working in the office and they are there for more than seven to eight years and they are not being transferred and consequently the applicants are being discriminated.

4. We have heard the learned counsel for the applicants.

5. So far as the first contention of the learned counsel is concerned, reliance is being placed on the

(3)

instructions of the Govt. of India, Department of Personnel and Training dated 19.8.1988. Same reads:-

"The President and General Secretary of the Branch Unit of recognised Union/Association who are Members of the Staff Council should not except for special reasons, be shifted from main administrative office to subordinate office (including other office or building)."

6. This certainly shows that the said instructions is a fetter on the powers to transfer. Normally, this Tribunal would not delve into the arena which falls within the jurisdiction of the concerned authority. In any case, no mala fide or other co-related reasons have been alleged. We find therefore, no reason to interfere merely because the applicants have been transferred from Agra.

7. Reverting back to the second contention, indeed, the same cannot be weighed in golden ~~section~~ scales as to which person must sit and work in a particular place for a particular period. In the face of aforesaid, the said contention must also be rejected.

8. Resultantly, the present Original Application being without merit, must fail and is accordingly dismissed in limine.

R.K. Upadhyaya

(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER

V.S. Aggarwal

(V.S. AGGARWAL)  
CHAIRMAN

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