

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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OA:1678/92  
MP:632/93

Date of Decision:13.04.1993

Kishan Singh

Applicant

Versus

Delhi Administration

Respondents

Shri V.P. Sharma

Counsel for the applicant

Shri Ravinder Dayal

Counsel for the respondents

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter, or not?

J U D G E M E N T (Oral)  
(delivered by Hon. Member(J) Shri C.J. Roy)

The applicant in this OA, Shri Kishan Singh is working as Dhobi and was posted at 8th Bn. DAP, Mehrauli. The applicant was transferred on mutual consent from VIIIth bn. to IInd bn. vide order dated 4.12.87. The applicant alleges that his transfer from VIIIth Bn. to IInd Bn. then to Rastrapathi Bhavan and later on to Police Training School, Jharoda Kalan is illegal. The latest transfer is alleged to have been done by way of forging the signature by respondent No.4. The applicant made representations to the higher authorities against the transfer. The representations were rejected. Hence this OA is filed. A request for amendment of the OA was made and the case was adjourned for amendment. But now, the learned counsel for the applicant withdraws the request for amendment and is prepared to proceed with the case.

2. The learned counsel for the respondents Shri Ravinder Dayal is also present during the course of the arguments. The respondents have filed the

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counter denying all the allegations made in the OA. They have stated that the request for cancellation of the transfer to Police Training School, Jharoda Kalan was considered, but was not acceded to on administrative grounds. They however, allege that again the applicant moved an application on 13.3.91 requesting for the mutual transfer with some Dhobi Ramesh Kumar who was transferred in his place. As the mutual transfer was found to be in order, it was accepted and consequent posting orders were issued. Under the circumstances, the issue relating to fabricated signature is not sustainable and transfer being in the administrative exigencies and in the public interest and the transfer is an incident of service, the transfer cannot be questioned. Hence the petition be dismissed.

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3. MP 632/93 filed for amendment of OA is not pressed and the MP is therefore dismissed as not pressed.

4. The applicant has already joined the place of posting and is working there. After joining there, he made representation to the respondents which was rejected vide Annexure A-1 to the OA. In the proceedings of the Commissioner of Police, Delhi No.8421 dated 25.3.92, addressed to the Principal, Police Training School, Jharoda Kalan, New Delhi, rejecting the request of the applicant, it is also stated that Barber Amar Singh, No.1/B (PTS) may please be directed to appear before the Dy.Commissioner of Police, Hdqrs.(I), Delhi in his orderly room on any working Friday, at 9.30 A.M. sharp, through the

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undersigned. This letter emanates from Dy. Commissioner of Police. By this, I understand there is an oblique reference to something which cannot be taken cognizance of either from the documents or from the arguments advanced by the learned counsel for the respondents. When the question is put to the respondents counsel after consulting the departmental representative, he is not able to justify the observation made in the said letter. However, for what purpose this is mentioned and what action has been taken is also not placed on record.

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5. As the applicant has already joined the place of posting, I do not consider it desirable to interfere with this order of transfer. But however, I am inclined to direct the respondents to find out by way of proper enquiry as to whether the transfer of the applicant is made in the public interest in the ordinary course of nature, or has been stage managed by some other person. With the above observation, the OA is disposed of with no order as to costs.

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*W. Roy*  
(C.J. ROY)  
MEMBER (J)  
13.04.1993