

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1984/1992

Date of decision: 31.03.1993

Shri Narender Pal Singh

...Applicant

Versus

Union of India through the
Director General of Works,
CPWD.

...Respondents

For the Applicant

...Shri R.L. Sethi,
Counsel

For the Respondents

...Shri M.L. Verma,
Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice Chairman)

By a general order dated 13.04.1992 the officer concerned in the Coordination Circle (Civil), Central Public Works Department, New Delhi, transferred not less than 152 Junior Engineers, including the applicant. The applicant's name found place at S.No.70 in the said order. The applicant has been transferred from Delhi to Chandigarh. This order is being impugned in the present application.

2. The opening sentence of the office order indicates

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that the transfer and posting was being ordered in the interest of public service with immediate effect. A representation was made by the applicant. It appears that some officer senior to the applicant had recommended that the operation of the order against the applicant may be stayed. However, the relevant authority did not agree with the recommendation and rejected the representation.

3. In the reply filed on behalf of the respondents it is stated that the order had been passed in public interest and keeping in view the fact that the applicant had been posted in Delhi since 1.11.1977.

4. The argument advanced is that the policy of the transfer has ^{not} been strictly adhered to and that persons junior to the applicant who had a longer stay in Delhi have been retained and not transferred. However, in paragraph 4.4 of the reply, it is asserted on behalf of the respondents that the applicant had been transferred to Chandigarh based on his longest stay in Delhi.

5. It is now well known that transfer is an exigency of service. Normally courts should not interfere with the transfer orders which are made in public interest. No allegation of mala fides has been made against any officer. It is apparent that 152

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persons are being transferred in public interest and the period of stay can be taken into account for passing an order.

6. Our attention has been drawn to an order of transfer passed earlier whereby the applicant was transferred from one place to another place in Delhi itself. It is asserted that the power to transfer the applicant again stood exhausted. Mere change of seat or place of working in Delhi did not deprive the officer concerned of his power, if exercised bona fide.

7. On the whole, we are not inclined to interfere with the impugned order. The application is dismissed. The interim order already passed is hereby vacated.

There shall be no order as to costs.

I. K. Rasgotra
(I. K. RASGOTRA)
MEMBER (A)
31.03.1993

S. K. Dhaon
(S. K. DHAON))
VICE CHAIRMAN
31.03.1993

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