

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

(3)

O.A. NO. 728/93

DECIDED ON : 12.4.93

Dr. M. K. Sharma

... Applicant

Vs.

Delhi Administration & Ors.

... Respondents

CORAM :

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Shri D. S. Choudhary, Counsel for Applicant

J U D G M E N T

The applicant is employed as TGT Science and presently posted on transfer vide impugned order dated 17.9.1992 to Government Boys Senior Secondary School, Pratap Nagar. Earlier to this, the applicant was posted in the same capacity in Government Boys Senior Secondary School, Magazine Road, New Delhi. The applicant is aggrieved by this transfer order and prayed that the same be quashed and the applicant be transferred back to the Magazine Road, G.B.S.S.S. The applicant has also prayed for a direction to the respondents to initiate disciplinary proceedings against respondent Nos. 4 and 5 and further that the respondents be jointly and severally be directed to pay a sum of Rs. 1 lac as damages for defaming the applicant and causing character assassination.

2. I have heard the learned counsel for the applicant on the point of admission. This is a simple case of transfer from the Magazine Road G.B.S.S.S. where the applicant was working since 6.11.1988 till the date of transfer. The applicant has a liability to serve under the Directorate of Education, Delhi Administration in any of the schools run by the said Directorate of Education. There has been certain differences between the

applicant and the Principal and also there was certain complaint against the applicant for removing certain records from the institution. It is evident that for effective administration in the interest of public if any transfer has been effected then that cannot be faulted with. The applicant himself has moved for his transfer vide letter dated 14.5.1992 (Annex. A-2) to East District. Now when the applicant himself has desired transfer to another District and he had already worked in the Magazine Road G.B.S.S.S. for about 7 years, if he has been transferred to Pratap Nagar G.B.S.S.S., then he should have no grievance. It was the applicant who himself had requested for his transfer. It is not necessary that the choice of the applicant be always granted but his case has been considered for transfer and so he should have no grudge.

3. Regarding the reliefs claimed by the applicant for starting disciplinary action against respondent Nos. 4 and 5 and for award of damages, the applicant can seek his remedy in the competent forum. The Tribunal cannot entertain a matter relating to tort.

4. In view of the above facts, I find that no prima facie case is made out to admit this application under section 19 (3) of the Administrative Tribunals Act, 1985 and the same is dismissed accordingly at the admission stage itself.

*J. P. Sharma*  
( J. P. Sharma )  
Member (J)