

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad This The 31st Day of May, 2000.

Original Application No. 758 of 1998

COURT:

Hon'ble Mr. S. Biswas, A.M.

Nafees Ahmad Khan, son Nural Huda,
Resident of UHL-152 Varanasi Development
Authority Colony Shivpur, Varanasi.

..... Applicant

(C/A Shri P. K. Ganguli)

Versus

1. Union of India, through Development
Commissioner (Small Scale Industries) Nirman
Bhawan New Delhi.
2. Director Small Industries Service
Institute, Kanpur.
3. Director small Industries Service
Institute, Naini, Allahabad.
4. Deputy Director (Incharge)
Branch Small Industries Service Institute
Varanasi.

..... Respondents

(C/R Shri S. Shrivastava)

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1. The applicant a stenographer in the branch office of Small Scale Service Institute Varanashi has impugned the transfer order dated 08.05.98 passed by respondent No. 2, seeking the same to be quashed.
2. Heard the parties.
3. On the basis of statement of facts and counter filed by the rival parties, the projection of the case is as under.
4. The applicant a stenographer has been transferred on 08.05.98 from the office of the Branch Office of a Director a Small Industries Service Institute Varanashi to Small Industries Service Institute Agra with the post in public interest. The applicant was appointed in 1988 and since then he is in Varanashi. Hence according to the respondents the applicant holding a transferable post was transferred by competent authority after 10 years of service at Varanashi.
5. The applicant alleged that there were incidents of office harrassment by way of non-payment of medical bills and non-forwarding of his petition for an N.C.B. job, in 1992. It was only a presumption that he was harrassed and denied the right to apply for N.C.B. job - which if would have been granted the applicant in any case would have been posted out

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of Varanashi even much earlier. That can hardly otherwise be cited as a malafide in ordering the present transfer order. The applicant, according to the respondent's case, was transferred with the post as a stenographer is needed there immediately.

Hence the transfer was made in public interest. There are several judicial pronouncements on the validity of such transfer. The applicant had been in Varanashi for more than 10 years by now.

6. The counsel for the respondents have contended that the delay in payment of medical bills and such other wayward allegations to stall a transfer are far fetched and do not prove malace or malafide of any kind. If the applicant need medical facilities for her mother in A.I.I.M.S in Delhi, it is near to Agra than Varanashi. Hence these are unacceptable excuses.

7. The applicant holds a transferable post, he has spent more than ten years at Varanashi. He ^{has} ~~not~~ able to make any tenable ground such as violation of any rule on transfer, as the transfer was ordered by the competent authority in administrative exigency. Not any malafide has come to light in the projections of the applicant. A plea was made that there is no vacancy which ~~on~~ investigation found to be baseless. I therefore find no reason to interfere with the order impugned by the applicant. The O. A. fails on merit, Hence dismissed without costs.

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A.M.