

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1347 of 2001.

Allahabad this the 08th day of October, 2002.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mrs. Meera Chhibber, Member- J.

Anand Mohan S/o Late Vikram Nishad
R/o quarter No. 3, Type-III, Block-I,
C.T.O Compound, Agra.

.....Applicant

Counsel for the applicant :- Sri J.S. Kashyap
Sri L.M. Singh
Sri Ajay Sharma

V E R S U S

1. Union of India through the Secretary, M/o Communication,
D/o Telecom, New Delhi.
2. Chief Accounts Officer (TR), Office of the Chief
General Manager, Bharat Sanchar Nigam, Western U.P.
Telecom Circle, Dehradun.
3. General Manager (Finance), Office of the Chief General
Manager, Bharat Sanchar Nigam, Western U.P. Telecom
Circle, Dehradun.

.....Respondents.

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R

(By Hon'ble Mrs. Meera Chhibber, Member- J.)

In this O.A, the applicant has challenged the transfer order dated 23.10.2001 (annexure- 1) whereby the applicant has been transferred from Agra to Circle Office, Dehradun. It is submitted by the learned counsel for the applicant that his transfer was done by way of punishment as there was a complaint filed by one Sri Mohan Singh Arya against him without any basis but without finding any fault of the applicant, he has been posted out. Thus, he has prayed that the transfer order may be quashed and the respondents be directed not to interfere in the peaceful working of the applicant as Assistant Accounts




Officer (Cash), Agra.

2. The O.A has been opposed by the respondents who have stated that the applicant and Sri Mohan Singh Arya both were making complaints/allegations against each other spoiling the atmosphere of the Secondary Switching Area and ignoring all basic norms of rules and conduct. Therefore, in order to save the situation from getting bad to worse and in order to improve better working atmosphere in Secondary Switching Area, both the persons were posted out from Agra. He has, thus, submitted that the transfer order has been issued in the interest of good administration. Therefore, the transfer cannot be said to be either arbitrary or violative of Articles 14 and 16 of the Constitution. They have submitted that the O.A is mis-conceived and is liable to be dismissed.

3. We have heard both the learned counsel for the parties and perused the pleadings.

4. The only ground taken by the applicant is that his transfer order has been passed on the basis of complaint. However, since the respondents have already explained the reasons as to why it became necessary for the respondents to transfer both the applicant as well as Sri Mohan Singh Arya out of Agra. We are satisfied that the transfer order cannot be said to be arbitrary or illegal in any way as it is based on justified grounds. It is not as if applicant ^{alone} was transferred, since both the persons were spoiling the atmosphere, respondents have posted both of them to some other place, therefore, by no ~~stretch~~ ^{stretch} of imagination can it be termed as punitive or arbitrary. Even, otherwise, it is not disputed by the applicant that applicant is liable to be transferred any where in India. It is settled by now that transfer is an incidence of service and who is to



be posted where and what work is to be taken from each officer is best to be left to the administration as they are the best persons to decide the posting of officers. Hon'ble Supreme Court has held repeatedly that Tribunal should not interfere in day to day functioning of the offices and transfer orders issued due to administrative reasons. Therefore, we are not inclined to interfere in the matter. It is, however, submitted by the applicant's counsel that if the reasons for transferring Sri Mohan Singh Arya and the applicant was that they were quarreling at Agra then atleast they should have been posted at different places. It is submitted by the learned counsel for the applicant that he apprehends threat to his life from Shri Mohan Singh Arya. If, ~~that~~^{it} be so, it would be open to the applicant to make representation to the authorities bringing out all the facts and ~~his~~ request for transfer to some other place provided vacancy is available. We are sure that if such a representation is made by applicant, the respondents would keep in mind the averments made by the applicant as also the prevailing situation at Dehradun and pass appropriate order for his further posting, if necessary, within a period of two months.

5. We also find that while issuing the order dated 23.10.2001, the respondents have themselves stated in the IIInd para that these officiating arrangement made above are purely temporary and local basis and can be terminated at any time without assigning any reason. It is also stated in the said order that these officiating arrangement or promotion may continue for not more than 180 days and will be terminated automatically after expiry of 180 days on the posting of regular incumbent which ever is earlier. It is known whether this paragraph is with regard to the transfer of applicant or some other persons because number of persons were transferred vide impugned order dated

23.10.2001. While deciding the applicant's representation, the respondents may consider this aspect also and pass appropriate orders in accordance with rules as directed above.

6. With the above directions, the O.A. is disposed off with no order as to costs.



Member-J



Member-A

/Anand/