

(12) (11) (2)

Central Administrative Tribunal, Allahabad,
Original Application No. 447 of 1986.

J.C.Sharma Applicant

Vs.

Controller of Defence Account
(Air Force), 107 Rajpur Road,
Dehradun Respondent.

Hon. D.S.Misra, A.M.

Hon. G.S.Sharma, J.M.

(By Hon. G.S.Sharma, J.M.)

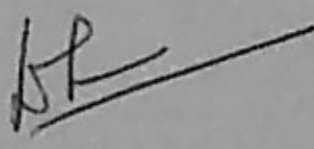
This application under section 19 of the Administrative Tribunals Act has been moved by the applicant, an Auditor in the office of the Controller of Defence Account (hereinafter referred to as C.D.A), (Air Force), Dehradun against the order dated 26.8.1986 passed by the C.D.A., Dehradun- respondent no.1 transferring him from Dehradun to Jodhpur on the same post. It is alleged that 2 civil cases of the applicant are pending in Dehradun courts which cannot be looked after by him on his transfer to a distant place. It is also alleged that the father of the applicant is ill and the younger brother is a disabled person and he has to go to look after them twice in a week from Dehradun to Hardwar. It is further alleged that as the difficulties of the applicant were not appreciated, the order of transfer has been passed with the malafide intention.

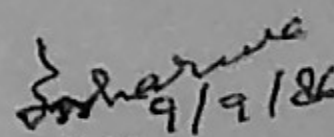
2. The applicant is posted at Dehradun for the last 20 years as admitted by the learned counsel for the applicant at the time of hearing of this application. Both the civil suits alleged to be pending in the civil courts at Dehradun are against the Union of India. One is stated to be in respect of service matter and, therefore, is liable to be transferred to the Tribunal from there. The other suit is stated to be a Small Cause Court suit of 1983 and may be concluded on a

② ③
2.

days' hearing. It is not alleged that except the applicant there is no male member in his family to look after his father and disabled brother. The Government job is transferable one and no one can claim his posting at a particular place for whole of his service tenure. No doubt Jodhpur is far from Dehradun but in a case of all India service, such difficulties are there. We, therefore, do not find it to be a fit case for adjudication. In our opinion, there is no malafide intention in passing the impugned order and the allegation of malafide has been made simply to make out a case for interference.

3. The application is accordingly dismissed summarily with the observation that if the respondents feel convinced that there is no other male member in the family of the applicant to look after his father and disabled brother, his transfer to some nearer station may be considered, if it has already not taken effect.


A.M.


J.M.

Dated 8.9.1986
kkb