

(Bench No.1)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

* * * * *

Registration No. O.A. 667 of 1986.

R.S.Tiwari - - - vs- - - Union of India and others.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman.

Hon'ble Shri Ajay Johri, Member (A).

(Delivered by Hon.S.Zaheer Hasan, V.C.)

Vide his order dated 13.9.1985 the C.G.D.A., New Delhi passed the order of transfer which was communicated to the applicant vide order dated 27.10.1986 (Annexure-14 to the application). The applicant has prayed for quashing of these two orders by means of this application under Section 19 of the Administrative Tribunals Act (No. 13 of 1985).

In the year 1984 the applicant was posted at Allahabad. Now he has been transferred from Allahabad to Lucknow. His prayer is that the transfer order communicated on 27.10.1986 may be quashed and an interim order for staying the operation of the impugned order may be passed on the ground that his son is ill (some eye trouble and tuberculosis). Responsibility of good administration is that of the Government and the courts would not judge the propriety or sufficiency of such opinion by objective standards except where subjective process is vitiated by mala fide, dishonesty

etc. Normally orders of transfer are outside the purview of examination by a court of law. Transfer being an implied condition of public service, the appointing authority is the best judge to decide how to distribute its manpower. A variety of factors may weigh with the authorities in this connection, viz., reputation, period of stay and a number of other grounds which may be clubbed under the head of 'exigencies of service'. It is not for us to adjudicate the advisability or propriety of transfer. Of course, the power of transfer must be exercised honestly and in a reasonable and bona fide manner. Applicant's wife is employed in the Railways at Allahabad. The applicant has been transferred from Allahabad to Lucknow. Lucknow is equally good so far as the medical facilities are concerned. The famous eye hospital of Sitapur is also closed to Lucknow which has a Medical College. In case the applicant goes to Lucknow, his wife is here in the Railway Department as Head Telephone Operator and she can very well look after the child. The applicant can also come from Lucknow to supervise the treatment of the child if he so desires. We find no good ground for interfering with the order of transfer. Of course, the applicant will be at liberty to move the Department for sympathetic consideration of his case, and for cancelling the order of transfer.

This application is dismissed at the admission stage.

A copy of this judgment may be given to the applicant today.

See
November 18, 1986. Vice Chairman.
R.Pr.

B.S.R.J. & P.
Member (A).