

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Transfer Application No. 1416 of 1986

(O.S. No. 498 of 1984)

Gurmeet Singh

.. .. Applicant

Versus

Union of India & Ors.

.. .. Respondents

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. A.B. Gorthi, Member(A)

(By Hon. Mr. A.B. Gorthi, Member(A))

1. Suit No. 498 of 1984 filed in the court of Civil Judge Dehradun, by operation of law has been transferred to the Tribunal. The plaintiff Sri Gurmeet Singh joined the office of the Controller, Controllorate of Inspection(Instruments) ~~to the Ordnance Factory~~ Dehradun on 5.2.1963 as a Viewer Gr. 'D'. He was promoted as Supervisor(Tech) on 10.7.1970 and was thereafter further promoted as Charge Man Gr. II on 27.4.1983. Vide order dated 27.2.1984 he was permanently transferred to Ordnance Factory, Dehradun with his post w.e.f. 1.10.1984. The said transfer is based on Government of India Letter No. 1(32)/82-D(INSP) dated 13.9.1984. The plaintiff alleged that despite his submitting objections against such transfer his objection was rejected and the transfer order issued. According to

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him he would suffer senioritywise on his transfer to Ordnance Factory and that the said transfer involved his service conditions which could not have been changed in such an arbitrary manner. He therefore prayed inter alia that the order dated 27.9.1984 be quashed and the defendants be restrained from transferring him to the Ordnance Factory. The defendants in their written statement explained that the transfer of the plaintiff alongwith several others similarly situated was ordered as a consequence of the Government's Policy Decision which was based on the 'Rajadhyaksha Committee Report'. They have also denied that the plaintiff's chances of promotion would be adversely effected on his transfer to Ordnance Factory, Dehradun.

2. Several Cases of officials similarly effected were heard and decided by the Tribunal in the past. The learned counsel for the defendants drew our attention to a decision of the Principal Bench of the Tribunal in (O.A. No.859 of 1989), Sohan Lal Vs. Union of India decided on 30.9.1990, wherein it was observed that the transfers were made in accordance with Policy Decision of the Government passed on 'Rajadhyaksha Committee Report' and that the said transfers were not illegal.

3. The transfer of the plaintiff was necessitated on account of a major Policy Decision taken by the Government. Under no circumstances can it therefore

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be said that the said order of transfer was issued
malafide as alleged by the plaintiff. We are also
b ^{not} ~~now~~ convinced that the service condition of the plaintiff
was altered arbitrarily or that it has resulted in any
undue injustice to the plaintiff.

4. In the result the suit is dismissed without
any order as to costs.

Thangaraj K
Member (A)

W
V.C.

Dated: 24th January, 1992

(Uv)