

A3/1 (2)

Court no. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No.1201 of 1987.

Sabin Ahmad Applicant.

Versus

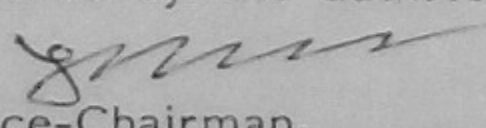
Divisional Manager, N.E.Rly.,
Lucknow & others. Respondents.

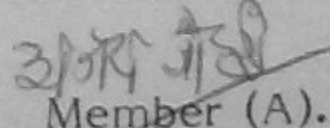
Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

Heard Sri A.S. Dewakar, learned counsel for the applicant.

2. This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985 praying for cancelling the transfer order dated 15.9.1987. The applicant was transferred from Kanpur to Lucknow. His contention is that his wife is ill and he is staying at Kanpur only from 1983 and some of his seniors, who are at the station, have not been moved. The satisfaction of exigency of service is not open to judicial scrutiny except where it is violated by mala fides, colourable exercise of power, etc. The administration is in its position to distribute its man power. The ground that the applicant was staying for less than five years and some persons senior to him have not been moved, is no good ground. Same is the case regarding ailment of his wife, so the applicant has not been able to make out a case.

3. In view of above the application is dismissed at the admission stage. However, a representation of the applicant is pending before the authorities in which it is stated that the applicant's wife is ill, so his transfer may be postponed and we hope that this application will be considered sympathetically and will be disposed of by the authorities at their earliest convenience.


Vice-Chairman.


Member (A).

Dated: December 18, 1987.
PG.