

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 346 of 1987

Madan Mohan Lal Vaish	Applicant.
Versus		
Union of India & others	Respondents.

Hon'ble Ajay Johri, A.M.

In this application the applicant, Madan Mohan Lal Vaish, who was working as a Tele-Communication Inspector at Daliganj, Lucknow under the Divisional Railway Manager, North-Eastern Railway Lucknow, has challenged the order dated 5.2.1987 by which he has been transferred in the same capacity to Barauni Jn. in place of respondent no.5, who was ordered to move to Gonda in place of respondent no.4, who has been posted vice the applicant at Lucknow. The applicant has been working at Lucknow since April, 1980 and had been working at Daliganj since 1983. The grounds for making the application against the transfer order are that the applicant's three sons are studying at Lucknow, one son was in B.Sc. II year and his examinations were to start in May, 1987. The second son was the student of Ist year and the third son was studying in B.Com. Ist year, and that the applicant's wife were seriously ill and is under special treatment at Lucknow, and that he has not given any option or consent for his transfer from Lucknow to Barauni. He has prayed for setting aside the impugned order of transfer from Lucknow to Gorakhpur. The main grounds for the request are that the transfer is arbitrary and mala fide and having been managed by respondents nos. 4 & 5 and it is not in public interest. It is also penal in nature. He has also prayed for an interim order staying the operation of the impugned transfer order.

2. Transfer is an incident of service and in normal circumstances courts do not interfere unless it is found that the transfer order

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has been made in a mala fide nature and arbitrary. There are not sufficient grounds to support this plea as given by the applicant in his application.

3. In any case ^{no} one appeared for the applicant in February, 1988, again in March, 1988 and thereafter in April, 1988 and no one is present on behalf of the applicant even to-day. In the above circumstances I do not find this case a fit case for admission and it is, therefore, dismissed at the admission stage.

[Signature]
MEMBER (A).

Dated: July 4, 1988.

PG.