

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

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C.A. NO. 802/90
TA. NO.

OF 199

Date of decision 23.11.92

..... C.B. Shukla Petitioner

..... Shri. Rakesh Verma Advocate for the petitioner

Versus

..... hman 7. Anshu K. S. Respondent

..... Shri. N.B. Singh Advocate for the Respondents

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CORAM :-

The Hon'ble Mr. Justice U.C. Swastika, VC

The Hon'ble Mr. ~~Justice U.C. Swastika~~ ~~Justice U.C. Swastika~~

1. Whether Reporters of local papers may be allowed to see the judgment ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

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Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 802 of 1990

C.B. Shukla

... Applicant

Versus

Union of India and Ors

... Respondents

CORAM:

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

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

(By Hon. Mr. Justice U.C. Srivastava, V.C)

The applicant, a Junior Engineer, working at Daltenganj, Bihar in the year 1978 and subsequently he was transferred to Varanasi Division, Varanasi on 1.1.1983 and he was again transferred to Jaunpur on 28.3.83. The applicant continued at Jaunpur for about four years and then he was transferred to Varanasi on 7.3.1987 and since then he is working at Varanasi. On 8.8.1989 through the impugned order he has been transferred from Varanasi To Shillong. According to the applicant Sri N.K. Upadhyaya, Junior Engineer working at Varanasi division has been transferred to Shillong but his transfer order was cancelled. The grievance of the applicant is that the transfer order is

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in violation of the Provisions laid down in transfer policy issued by the Government of India. The action taken by the department is malafide and arbitrary.

2. In the Counter it appears that even if it is accepted that the person with longest stay has not been transferred, it is not discriminatory because in public interest some times persons with shorter stay may have to be transferred. The guide lines are not mandatory but directory. It is submitted that the transfer order was issued on administrative grounds, hence any violation of the provisions of transfer policy does not arise at all. It may be, sometimes the person amongst longer stay may be transferred and the same including the services are required elsewhere. In view of the interim transfer order the services of the persons who are in transferable services have to serve at the place of posting. Although merely allegation of malafide is made no evidence what so ever has been cited that the applicant was transferred as a result of malafide. The applicant's application was stayed by this Tribunal, with the result that the applicant is staying at Varanasi for the last several years but others have been transferred. This is not a fit case and there appears to be no ground to interfere in the transfer order. In view of the

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order passed by this Tribunal, the applicant has already enjoyed the period as stated above.

3. Accordingly, this application is stand dismissed. It will be open for the respondents to transfer the applicant to the same unit, others have been transferred. No order as to the costs.



Vice Chairman

Dated: 23rd Nov: 1992

(Uv)