

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 27th day of June, 2000

CORAM: Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

ORIGINAL APPLICATION NO. 653 of 1992

Suresh Chandra Pandey S/o Shri Laxman Swaroop
Pandey aged about 35 years R/o Railway Quarter
no. 46 Engg. Colony, N.E. Railway, Pilibhit.

...Applicant

C/A Shri R.R. Shukla, Adv.

Versus

1. Union of India through General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Izzatnagar.
3. Assistant Engineer, N.E. Railway, Pilibhit

...Respondents

C/R Shri Govind Saran

O R D E R

(By Hon'ble Mr. S. Dayal, Member (A))

This application under Section 19 have been filed for direction to the respondents not to transfer the applicant from Pilibhit till such time as his wife who is teacher in Government Girls College, Pilibhit is transferred to a place where railway administration has its office and post of I.O.W. exists. The case of the applicant is that he was being harassed by Assistant Engineer, Pilibhit because he wants to remain posted at a place where his wife is serving. He states that he had come on his own request to Pilibhit where his wife was serving. He claims relief in the light of these facts

2. The arguments of Shri Govind Saran have been heard on behalf of the respondents.

3. The applicant by seeking the relief as mentioned above has sought to gain a total immunity from transfer. The law laid down on transfer is, the transfer is an incident of service and judicial review of a transfer can be made only in case of malafides or violation of any

statutory rules. In this case the applicant has approached the Tribunal before any transfer order was passed. He has also claimed that he should be transferred to a place where his wife is transferred so that husband and wife could remain together. This prayer is based on the administrative instructions issued by the government department that their effort would be to keep husband and wife at the same place as far as possible. However, no immunity from transfer can be claimed on the basis of administrative instructions.

4. Under the circumstances we find no merit in the O.A. and the O.A. stands dismissed with no order as to costs.

Patricia M. J. M.

A. M.

Y.S.P./