

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

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Original Application No. 797 of 1992

Mahesh Srivastava

Applicant

Versus

Union of India & others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, A.M.

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

This application under section 19 of the Administrative Tribunal's Act, 1985 has been filed by the applicant for quashing the order dated 12.5.92 communicated to the applicant vide letter dated 26.5.92 ^{from} trasfering him ~~to~~ Mathura to Kanpur. The applicant was elected as a member of works committee in the office of Garrison Engineers, Mathura Cantt, Mathura has ~~reffered~~ the rule 52 of the Industrial Disputes Act (Central rule 1957) the term of the office of the representative of the department other than member shall be two years and the applicant requested the Garrison Engineers, Mathura to hold the election of Office Bearers due to which the Garrison Engineers became ~~and~~ annoyed with the applicant, which resulted in his transfer order.

2. The transfer order has been challenged ~~the transfer~~ ~~for order~~ on variety of ground including that there is no reduction in the establishment nor there is any operational requirement warranting, the applicant ~~by~~ ~~transfer~~ ~~to~~ to any other places and the transfer order is malafide and arbitrary.

3. In the counter affidavit the respondents have stated that longest staye U.D.C.s were to be transferred to Kanpur in exigency of the service and as such the ~~the~~ applicant was transferred to Kanpur, his representation was rejected.

4.

The applicant has been continuing due to stay

order passed by this Tribunal. Allegation of the malafide is ^{not} ~~not~~ ^{proved} ~~proved~~ the transfer order are passed ~~in~~ in the exigency of the service and application cannot be interfered. Accordingly no interference is called for, in this application and the same is accordingly dismissed. However the respondents may allow ^{at} the applicant to continue to work ~~in~~ at Mathura till the session of his children is completed. The application ~~is~~ stands disposed of with the above observations. No order as to costs.


Member (A)

Allahabad

Dated 10.2.93

(g.s.)


Vice-Chairman