

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

O.A. No. 806/92

M.K.M. Nair ... Applicant

Vs.

Union of India & Others ... Respondents

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman.

(By Hon. Mr. Justice S.K.Dhaon, V.C.)

It appears that that Director, Indian Veterinary Research Institute (I.V.R.I.), Izat Nagar, Bareilly, has passed an order transferring the applicant from Izat Nagar to I.V.R.I., Regional Centre, Calcutta. This order has been communicated by Chief Administrative Officer, by communication dated 13-6-1992. The said order is being impugned in the present application.

2. Earlier, on 19-5-1992 the Assistant Administrative Officer had communicated the decision of the Director transferring the applicant from Izat Nagar to Mukteshwar along with the post. Feeling dissatisfied with the said order, the applicant made a representation to the Director with a prayer^{not} instead of sending him to Mukteshwar the any of applicant may posted with^{the} Joint Directors, Izat Nagar. Thereafter, an order has been passed transferring the applicant to Calcutta.

3. The applicant relies upon some recommendations made in the C.J.S.C. Meeting held on 10th & 11th December, 1984 at Hyderabad. Under Item No. 9.1, the question of transfer of Class III & IV employees was considered. It appears that during the course of the said meeting the Chairman clarified^{not} the policy of I.C.A.R. is not to transfer Class III and Class IV employees and he assured that necessary instructions would be issued

to the Directors in this regard.

4. As the Supreme Court has pointed out time and again, in matters of transfer, a Court of Law should be loath to interfere. In such matters, the proper remedy of the aggrieved person is to approach some higher authority. Here, the Indian Council of Agricultural Research, New Delhi, is the appropriate authority to deal with the application of the applicant. Therefore, the applicant is advised to make an application to I.C.A.R. If a representation is made within a period of 2 weeks, the same shall be entertained, considered and disposed of in accordance with law. Till that is done, the order of the Director transferring the applicant to Calcutta, shall not be given effect to. However, it is again made clear that the applicant shall make a representation to ICAR within a period of 2 weeks.

5. With these directions the application is disposed of finally.

6. The applicant may be given a copy of this order.

SUD
Vice-Chairman.

Dated 22nd June, 1992, Allahabad.

(tgk)

O.A. No.806/92

22/5/92

Hon. Mr. Justice S.K.Dhaon, V.C.

Heard the Counsel for the applicant.

Judgement is dictated.

S.K.Dhaon