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IN CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Misc. Application No. 389 of 1994 (O.A. No. 1826 of 1993)

Dr. Vinod Kumar Gupta Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. J. S. Dhalawal, Member-J.

Present none for the parties. The case was fixed for today for arguments on Misc. Application No. 389/94 filed by

the respondents praying for vacation of interim stay order

granted in favour of the petitioner Dr. V.K. Gupta. It was

clarified by this court vide order dated 19.4.94 that in case

no one appears for the applicant, this application shall be

heard and appropriate orders will be passed.

The facts of the case are that applicant is posted

as Senior Divisional Medical Officer, North Eastern Railway,

Gorakhpur, who was transferred from his present posting to

Samastipur in the same capacity and he filed the O.A. No. 1826 of

1993 challenging the same. While ordering issue of notice to

the respondents, this Court directed stay of the transfer

order dated 3.12.93 under Office orders No. 388 "Personnel"

210/10-2 JAG-1 as passed by the respondents. The record shows

that thereafter the petitioner appeared only on 23.12.93

through a proxy counsel. Even today no one has appeared on

behalf of the petitioner despite order of the Court dated-

19.4.94.

A perusal of the petition and other annexures shows

that the petitioner was transferred vide the impugned order

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and he was successful in installing the same through ex parte interim stay order passed on 10.12.1993. Transfer order by an employer is not to be interfered with unless there are strong and pressing grounds indicating that some statutory rules have been violated. No such rules have been mentioned by the petitioner except the oblique reference in his petition that a person should not be transferred before a tenure of four years at one place of posting. These may be the guidelines but cannot stand in the way of the administrative power to order transfer in public interest or administrative reasons. This Court thus, finds no reason at this stage to stay the operation of the transfer order of the petitioner. More so, the practice of getting ex parte interim injunction and thereafter not taking any interest in pursuance of the case has to be deprecated. Taking note of the averments in the application for vacation of stay order that the transfer has been ordered in administrative exigency only, the order dated 10.12.93 passed ex parte is vacated. The Misc. Application, thus, stands disposed of accordingly.

Allahabad Dated:
Sept. 7, 1994.

J. 11/11/94
Member-J.