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THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

QZ/2

Original Application No. 855 of 1993

Om Prakash Tiwari	...	Applicant
versus		
Union of India and others	...	Respondents
-:-:-		

HON'BLE MR MAHARAJDIN, MEMBER- J

(By Hon'ble Mahrajdin, Member-J)

This is the application by the applicant in
which he sought the relief for cancellation of transfer
from Allahabad to Bhogaon.

The applicant was posted as A.S.M., Allahabad
Junction, Allahabad since 20-04-1988. It is said that there
was no complaint against him about his working and the
transfer has been made on administrative ground. The applicant
has further stated that the transfer order was passed due
to malafide, as he made complaint against storage and
providing the dirty drinking water.

The respondents filed Counter Affidavit and has
resisted the allegations made in the application stating that
the transfer of the applicant was made ^{in 9} on administrative
exigencies.

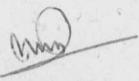
I have heard the learned counsel for the parties
and perused the record.

The main ground on which the order of transfer has been assailed is malafide. The applicant has said that since he made a complaint against the storage and supply of dirty drinking water to the Senior Station Superintendent Allahabad, therefore, he has been transferred from Allahabad to Bhoagun. This fact has been emphatically denied by the respondents and in para 2 of the Counter Affidavit, the respondent has ~~said~~ set up numerous (as many as fifteen) grounds about the negligent working of the applicant. The applicant on several occasions appears to have been given opportunity to improve his working, but when the administration did not find any improvement the applicant has been transferred to a ~~smaller~~ smaller place i.e. Bhoagun. As regards malafides there should be specific instance as well as in relation to a particular man connected with passing of the order of transfer, but in the application malafide is not alleged against the person, who passed the transfer order. There could be no malafide even on the part of the Senior Superintendent because the applicant simply addressed the complaint to him and he is not the person to pass the transfer order. It is clear from the assertion made in the Counter Affidavit that the transfer of the applicant has been made on administrative

[Signature]

ground which is not to be interfered with by this Tribunal.

In view of the observations made above, the application of the applicant is devoid of merit which is dismissed with no order as to cost.



MEMBER-J

(DATED): Allahabad, August 10, 1993.

(VKS PS)
