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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 1534 of 1994

Dated: 07.10.1994

Hon. Mr. S. Das Gupta, A.M.  
Hon. Mr. T.L. Verma, J.M.

Vasudeo Gupta son of Shri K.C.  
Gupta, R/o 117/6 M.T. Lines  
Allahabad

... APPLICANT.

( By Advocate Sri P.K. Khare )

VERSUS

Union of India  
and others

... .. RESPONDENTS.

O R D E R  
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(By Hon. Mr. S. Das Gupta, A.M.)

Heard Sri P.K. Khare, learned counsel for the  
applicant on admission.

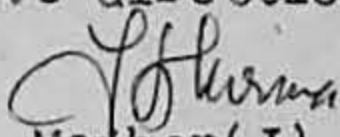
This petition has been filed challenging the  
transfer of the applicant from Allahabad to Sagar(M.P.) .  
The petitioner belongs to the department of Defence  
Accounts and is presently posted as Auditor in the  
office of CCDA(F), Allahabad. The only ground on which  
the transfer order has been challenged is that the  
respondents have ~~been~~ malice<sup>alleged to have</sup> against him and the  
order is malafide. The facts pleaded to establish  
malafide are general in nature and do not lay down  
any firm foundation for inferring any malice ,  
particularly, in the absence of impleadment of the  
person, who is <sup>alleged to have</sup> malice<sup>to have</sup> against him, by name. The  
petition ~~has~~, therefore, does not appear <sup>to have</sup> any merit.  
The transfer of an employee is an incident of service  
and the Courts/Tribunals shall not normally interfere

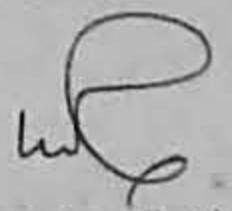
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unless the order of transfer is in violation of statutory rules or is in colourable exercise of powers. None of the above condition is specified in this case and hence, we are not inclined to interfere in the transfer order.

2, The applicant, however, has submitted that his father is very seriously ill and his younger brother has also met with a serious road accident; therefore, it is difficult for him to go on transfer at present and he should be allowed to stay at Allahabad for some time. As such, a request can be considered by his employer only. In view of this, the applicant may submit a representation to the respondent no. 3 stating the problems due to which he is not in a position to move immediately to his new station of posting and praying for some time for obeying the transfer ~~order~~ and in case, such a representation is submitted by the applicant, let the same be considered by the respondents and decided within 2 weeks of the receipt of the same.

3. The application is disposed of in line with the above directions.

  
Member(J)

  
Member(A)

(n.u.)