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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF APRIL, 1995

Original Application No. 847 of 1994

HON. MR. JUSTICE B.C. SAKSENA, V.C.

Pan Singh Yadav son of Mahavir Singh Yadav
r/o 1/262 Suhag Nagar, Firozabad

.... Applicant

BY ADVOCATE SHRI S.S. YADAV

Versus

1. Union of India through Secretary
Ministry of Telecommunication
2. Chief General Manager Telecommunication
Hajrat Ganj Lucknow
3. Sub-Divisional Officer Telecommunication
Firozabad
4. Divisional Engineer (Admn/Plg) Telecom
District Agra

.... Respondents

O R D E R (ORAL)

JUSTICE B.C. SAKSENA, V.C.

I have heard the learned counsel for the applicant. Through this O.A. the applicant challenges an order of transfer dated 29.4.94 contained in Annexure 8 to the O.A. The applicant by the said order has been transferred from Firozabad to Saharanpur.

2. The applicant challenges the order of transfer on the ground that the applicant was elected as Secretary Akhil Bhartiya Door Sanchar Karmachari Sangh, Firozabad branch. In the capacity as Secretary he had made complaints and brought to the notice of authorities certain irregularities and misuse of power by certain officials

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in the Firozabad district. The applicant's case is that in view of Govt. order dated 3.3.83, the applicant cannot be transferred before completing 2 years tenure as an office bearer of the Karmachari Sangh. This plea has no merits. A bare perusal of the Govt. order shows that it itself provides that if for any administrative reasons an office bearer of a union is transferred, then orders for transfer should be obtained from an officer one step above the competent Authority. The impugned order clearly states that it has been passed in compliance with the orders passed by the Chief General Manager Telecommunication, U.P. Circle Lucknow. The Competent Authority is a Divisional Engineer. Thus the orders for transfer having passed after obtaining necessary orders from the higher authorities.

3. The plea of malafide also is devoid of merit. The applicant has ~~not~~ made allegations of malafides and has not impleaded any of the officers by name. In the capacity of the Secretary of the Karmachari Sangh even if the applicant has been brought to the notice of the higher authorities certain irregularities acts of omission and commission on the part of certain officials that is not sufficient to infer any malafide on the part of the Higher Authorities in passing the order of transfer. It is fairly well settled that the courts should be slow in ^{wilk} interfering ~~of~~ the order of transfer. The applicant admittedly holds a transferable post. His ~~order of~~ transfer has been ordered by the concerned authorities ~~mainly~~ ^{evidently} after being satisfied ^{of} the administrative ~~reasons~~ ^{need to} pass the order of transfer.

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4. No other ground has been urged. The O.A. Lacks
merit and is accordingly dismissed summarily.

B. Chakravarthy
Vice Chairman

Dated: 24.4.1995

Uv/