

Reserved

Central Administrative Tribunal
Allahabad Bench Allahabad.

Dated Allahabad, This The 13th day of December 1999

Coram: Hon'ble Mr. Rafiq Uddin, Member (J.)
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Original Application No. 1255 of 1995.

Musafir Singh
son of Late Sri Sheodhani,
R/O village Bawari,
Post Banjaripur,
Distt. Ghazipur.

. . . Petitioner.

(Through Sri A.K. Malviya, Adv. and
Sri N.L. Pandey, Adv.)

Versus

1. Union of India through its Secretary,
Ministry of Textile, New Delhi.
2. Assistant Director (P & C)
O/O the Development Commissioner
(Handicrafts) Carpet weaving training centre
Lucknow.
3. Regional Director (H) O/O the D.C (H.) Lucknow
carpet weaving centre.
4. C.T.O. Incharge A.T.C. Habinagar, District
Maldah. West Bengal.

. . . Respondents.

(Through Sri Amit Sthalekar, Adv.)

Order (Reserved)

(By Hon'ble Mr. Rafiq Uddin, Member (J.))

The applicant has challenged the validity
of his transfer order dated 9.8.95 passed by
Regional Director (Head Of Office) Carpet

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Weaving Centre Lucknow.

2. Briefly stated the facts of the case are that the applicant was posted as Chaukidar in the office of A.T.C. Dharampur Jaunpur which is under the administrative control of respondent No.2. The respondent No.3 is the controlling officer of the entire carpet scheme. The aforesaid carpet weaving training centre situated in Distt. Jaunpur has been transferred to Dahradoon as per policy decision of the department concerned vide order dated 5th August 1992. As a result all the staff of the centre had been transferred to different places vide order dated 29.8.92. The applicant was retained at the centre temporarily on administrative ground to guard the Government property till the process of handing and taking over charge was not completed. It is also on the record that other employees of the centre had also filed O.A. 25/93 before the Tribunal challenging their transfer from other places but their O.A. was dismissed by this Tribunal on 10.5.95. Now the respondents are implementing the transfer order in respect of the applicant also who has been transferred to A.T.C. Maldah West Bengal. The applicant has therefore filed the present O.A. and sought the relief of quashing the operation of the impugned order and directing the respondents not to terminate his service and also post the petitioner/applicant neighbouring district Varanasi or Ghazipur where other offices of the respondents are situated and posts are

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also lying vacant.

3. The main ground for challenging the transfer order is that he should be transferred to neighbouring district Ghazipur. The respondents have also not decided his representation for the cancellation of the transfer.

4. I have heard the arguments of the learned counsel for the applicant and the learned counsel for the respondents.

5. It may be stated at the very outset that the validity of the order through which the centre at Jaunpur was shifted to Dehradun has been upheld by this Tribunal in the O.A. 25/93. The only question for consideration is whether the impugned transfer order is valid or not. The applicant has not alleged any malafides on the part of the respondents nor he has alleged the impugned transfer order ^{is} ~~having~~ been passed in breach of any statutory provisions. Therefore, there is no scope for judicial scrutiny ^{of} and interference in the impugned order. It is, however worth noting in the present case that the applicant is merely a Class IV employee and ^{is} ~~is~~ low paid employee. Obviously the transfer of the applicant from Jaunpur to Maldah, West Bengal would cause great hardship to the applicant and his family. But the impugned order can not be quashed on this ground only because the transfer is an incidence of service. The respondents are, however directed to reconsider

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the representation and case of the applicant and if possible, the applicant should be posted in neighbouring Distt. Ghazipur. With these observations the O.A. is dismissed. There shall be no order as to costs.

Rafiquddin
Member (J.)

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