

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.: 133 of 1995.
F.A. NO.:

DATE OF DECISION: 20-2-95

Y. S. Yadav ----- PETITIONER(S)

Shri N. K. Nair ----- ADVOCATE FOR THE
PETITIONER

V E R S U S

Union of India & Ors. ----- RESPONDENT (S)

----- ADVOCATE OF THE
RESPONDENTS

C O R A M

The Hon'ble Mr. Justice B. C. Saxena, V. C.

The Hon'ble Mr. S. Dayal, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ? x
2. To be referred to the Reporter or not ? x
3. Whether their Lordships wish to see the fair copy of the Judgment ? x
4. Whether to be circulated to all other Bench ? x

Bcr

SIGNATURE

MANISH/

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 20TH DAY OF FEBRUARY, 1995

Original Application No. 133 of 1995

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

HON. MR. S. DAYAL, MEMBER(A)

Y.S. Yadav, aged about 56 years, son of late K.S. Yadav, r/o 240/11, Babupurwa Colony, Kanpur, presently employed as Chargeman Grade I in the Senior Quality Assurance Establishment (General Stores) (SQAE (GS) Kanpur

.... Applicant

by advocate shri N.k. Nair

Versus

1. Union of India, through the Secretary Department of Defence Production, Ministry of Defence, Govt. of India New Delhi.
2. Director General of Quality Assurance Directorate General of Quality Assurance Ministry of Defence, 'G' Block, DHQ, P.C. New Delhi.
3. Director of Quality Assurance (Stores) Directorate of Quality Assurance (Stores) DHQ PO New Delhi- 110011
4. Senior Quality Assurance Officer, SQAE (GS) Cantt, Kanpur.

.... Respondents

O R D E R (ORAL)

JUSTICE B.C. SAKSENA, V.C.

We have heard Shri N.K. Nair learned counsel for the applicant. Through this O.A the applicant challenges an order of transfer from the Senior Quality Assurance Establishment (General Stores) (SQAE (GS), Kanpur to the Controllerate of Quality Assurance (General Stores) (CQA (GS) Kanpur. The order of transfer is challenged on the ground that it has been passed in violation of the guide limes indicated in the rotational transfer policy, copy of which has been annexed as Annexure A-2.


B.C.

2. The applicant has also preferred a representation on 6.2.95 to the Director of Quality Assurance (Stores), New Delhi, Department of Defence Production, Govt. of India, Respondent no.2. The said representation was made on 6.2.95. and this O.A was filed on 11.2.95 without waiting for a decision on the representation.

3. The learned counsel for the applicant urged that the applicant's plea that the order of transfer is in-violation of the Rotational Transfer Policy may be analysed and if it is found to be so, the notice to the respondents be issued and an interim order be granted. The learned counsel urged that in case the applicant's name is struck off the roll from the Senior Quality Assurance Establishment (General Stores -s), the O.A will become infructuous.

4. The learned counsel could not show that the Rotational Transfer Policy can be said to be statutory in nature. It is an administrative guideline and as laid down in several decisions by the Hon'ble Apex court viz 'Shilpi Bose Vs. Union of India, H.M. Kirtania Vs. Union of India and Union of India Vs. S.L. Abbas and even other decisions the court will be slow in interfering with the order of transfer. It has also been laid down in the said decisions that transfer on policy guidelines are merely of administrative nature and not statutory. Even if the transfer order has been passed in breach of such administrative instructions or guidelines the remedy before the applicant would be to make a representation to the authorities. The applicant has already made a representation and we have no manner of doubt that a decision on his representation will be taken by the respondent no.2. The O.A lacks merit and is dismissed summarily.


MEMBER (A)


VICE CHAIRMAN

Dated : 20.2.1995
Uv/