

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO.: 134 of 1995.
T.A. NO.:

DATE OF DECISION: 20-2-95

Aditya Parikh ----- 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, VC

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

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

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SIGNATURE

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 20TH DAY OF FEBRUARY, 1995

Original Application No.134 of 1995

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

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

Aditya Pande, a/a 42 years, son of
Shri S.C. Pande, resident of M-65,
Kidwai Nagar, Kanpur presentlu posted
as Chargeman Grade-II, 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 PO
New Delhi- 110011
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. The applicant through this O.A challenges an order dated 16.1.95 contained in Annexure A-1 by which the applicant has been transferred from the Senior Quality Assurance Establishment (General Stores) Kanpur to the Controllorate of Quality Assurance (T & C), Kanpur.

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The order of transfer has been challenged on the ground that the applicant was ~~working as~~ ^{working as} Chargeman ~~Grade II~~ ^{Grade II}. It is submitted that by circular dated 18.5.90 Chargeman Gr. II have been taken out of the applicability of the Rotational Transfer Policy of non-gazetted Technical/Scientific of the DCQA Organisation.

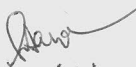
2. The applicant had already submitted a representation on 6.2.95 to the Director of Quality Assurance (Stores) Department of Defence, ~~@@~~ Production, Govt. of India, Respondent no.2. The said representation was made on 6.2.95 and this O.A. was filed on 11.2.95 without waiting for a decision on the 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, ~~@@@~~ 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), 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. Apex court viz; 'Shilpi Bose Vs. Union of India, 'H.K. Kirtania Vs. Union of India and Union of India Vs. S.L. Abbas and even other decisions the court/~~@@@~~ ^{should} 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

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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

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