

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 875 OF 1995

Dated: 5.9.1995

Jaleram son of late Sri Balikaran  
R/o Vill. Dhawaruwa, Teh. Jalalpur  
Distt. Faizabad. .... .... .... APPLICANT.

( By Advocate Sri N.L. Srivastava)

Versus

1. Union of India, through Secretary  
Ministry of Textile Udyog  
Bhawan New Delhi.
2. Assistant Director (A&C) Office of  
Development Commissioner (Handicrafts)  
1-A/3-A Ram Priya Road Prayag  
Station Allahabad.
3. Regional Director, Centre Region Office,  
of the Development Commissioner (H)  
B-46 Mahanagar Extension  
Lucknow.
4. Assistant Director (W) Office of the Development  
Commissioner (H) B/46 Mahanagar Extension  
Lucknow.
5. Development Commissioner (Handicrafts)  
Office of the Development Commissioner  
Ministry of Textile West Block No.7  
R.K. Puram, New Delhi. .... .... RESPONDENTS.

O R D E R

This application has been filed under Sec.19  
of the Administrative Tribunals Act, 1985 challenging  
the order dated 20/21.7.1995 by which the applicant  
among others has been transferred. The relief sought is  
that the impugned order of transfer be quashed or  
operation of the order be suspended till 31.5.1996.

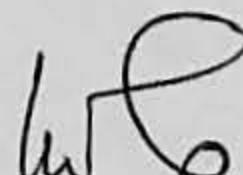
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2. The only ground on which this order has been challenged is that it has been issued in ~~at~~ the mid academic session which is violative of the instructions and the guidelines issued by the Govt. of India .

3. It is now settled position of law as enunciated in the case of ~~Silpy~~ <sup>Subsequent</sup> Bose and a ~~catena~~ of <sup>subsequent</sup> cases ~~subsequently~~ decided by the apex court that an order of transfer can <sup>not</sup> be challenged on the ground that the same is violative of any instruction issued by the Government . The order of transfer can be challenged only if it is violative of any statutory rules or is a malafide order. No such ground has been pleaded in this application. The application, ~~therefore~~, has no merit and is liable to be dismissed in limine and is accordingly dismissed'

4. Before parting with this case, however, I would like to observe that the applicant is stated to have made certain representations to the respondents against his transfer. Nothing in this order shall come in ~~at~~ the way of the respondents in considering the said representations and passing appropriate orders thereon.



Member (A))

(N.U.)