

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 875 Of 1995

Dated: 5.9.1995

Jalaram 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.

Wll.

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2. The only ground on which this order has been challenged is that it has been issued in ~~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 Bose and a catena of ^{subsequent} cases ~~subsequently~~ decided by the apex court that an order of transfer can ^{not} 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, ~~it~~ 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 ~~the~~ way of the respondents in considering the said representations and passing appropriate orders thereon.



Member (A)

(N.U.)