

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 930 of 1999

Allahabad this the 16th day of February, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Sri Musharraf Ali, P.G.T. (Commerce) KV, No.1 Banbasa
Cantt. District Champawat.

Applicant

By Advocate Shri M.K. Sharma

Versus

1. Union of India through Ministry of Human
Resources Development (H.R.D.), New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh
Marg, New Delhi.
3. Principal, Kendriya Vidyalaya Banbasa Cantt.
District Champawat.
5. S.C. Jain, Assistant Commissioner, K.V.
Sangathan, Dehradun, Region Salwara, Hathi-
barkala, Dehradun.

Respondents

By Advocate Shri V.K. Singh

Sarvagor

ORDER (ORAL)

By Hon'ble Mrs. S.K.I. Naqvi, Member (J)

While posted at Banbasa as Post Graduate Teacher in Commerce, the applicant- Musharraf Ali has been transferred to Hanikhet under transfer order dated 21/22-7-99, copy of which has been annexed as annexure A-1 to the O.A. The applicant has come up to get set aside this transfer order mainly on the ground that being a patient of Disphagia, he is being stationed at high attitude in the hill area, will cause aggravation of his ailment, for which no proper medical facility is available there. He has also mentioned that he preferred representation but the same has not been favourably disposed and, therefore, he has come up before the Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. The respondents have contested the case and filed counter-reply.

3. Heard, the learned counsel for the applicant as well as learned counsel for the respondents and have perused the record.

4. In his arguments, learned counsel for the applicant has mainly pressed that the case of the applicant deserves to be sympathetically considered in view of his ailment and his wide choice to ^{be transferred} anywhere in the plain area. Learned counsel for the respondents drew my attention towards the law handed out by the

S. K. I. Naqvi

Hon'ble Apex Court in several matters, in which a guide line has been provided for the Courts to interfere in transfer matters only where the transfer order is passed with malafide or it is in violation of any statutory rules or the same is punitive in nature and all these three ingredients are not available in the present matter.

5. After considering the facts and circumstances of the case, I find that the transfer order cannot be interfered by issue of any direction to post the applicant to a particular post or not to post him at any particular station. However, before parting with the matter, I find it expedient to express that incase the applicant moves a fresh representation to the respondent no.2 within 15 days of this order, the same be disposed of within one month ^{Revised} with detailed, reasoned and speaking order and till then the impugned transfer order shall remain in abeyance and for this period, the applicant shall be deemed to remain posted at his present place of posting. The O.A. is disposed of with the above direction. No order as to costs.

S. I. Nagar
Member (J)

/M.M./