

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 8th day of August, 2000.

Original Application no. 145 of 1999

Hon'ble Mr. M.P. Singh, Administrative Member

Har Prasad,
S/o Sri Bhikki Ram,
R/o Sikri-II Part, Fatehpur Sikri,
AGRA.

... Applicant

C/A Shri K.C. Sinha

Versus

1. Union of India through
Superintending Archaeologist,
Archaeological Survey of India,
Agra Circle, Agra.
2. Conservation Assistant II,
Haridwar.
3. Conservation Assistant II,
Fatehpur Sikri, Agra.

... Respondents.

C/Rs Shri Ashok Mohiley

... 2/-



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O R D E R

Hon'ble Mr. M.P. Singh, Member-A.

By filing this OA the applicant has sought following reliefs:-

- i. The order dated 01.02.1999 may be set aside and a direction may be issued to respondents no. 1 and 3 to permit the petitioner to join at Fatehpur Sikri in pursuance of the order dated 15.01.1999.
- ii. a direction may be issued to respondent no. 1 to make payment a sum of Rs. 4820-43 as a medical bill which the petitioner has submitted as early as 1993 alongwith interest @ 18% per annum,
- iii. a direction may be issued to the respondents to make payment of the TA bill for Rs. 1865/- which has been submitted by the petitioner of his permanent transfer alongwith interest at the rate of 18@ per annum,
- iv. a direction may be issued to the respondent to give all the dress, **shoes** etc. which is admissible under the law from time to time since when the petitioner was posted at Chandok under the control of respondent no. 2.
- v. to any other direction as this Hon'ble Tribunal may deem fit and proper, may be issued, and

v.1.



...3/-

vi.

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vi. toward costs of the petition in favour of the applicant.

2. Brief facts of the case are that the applicant was appointed as Monument Attendant and was posted under the direct control of Conservation Assistant II, Fatehpur Sikri. On 05.02.1990 the applicant was transferred to Jagner Fort and, thereafter, the said order was modified on 21.03.1990 and the applicant was directed to report at Chandok Temple, District Bulandshahr.

3. In view of the deteriorated condition of his family, the applicant submitted his application to respondent no. 1 through respondent no. 2 on 01.02.1992 for his transfer to Fatehpur Sikri on medical ground. The applicant was transferred to Fatehpur Sikri vide order dated 15.01.99. The order of transfer dated 15.01.99 was modified by issuing another order dated 01.02.99. The respondents vide their order dated 01.02.99 transferred the applicant to Marriam Tomb, at Agra. Aggrieved by this the applicant has filed this OA challenging the order dated 01.02.99, transferring him to Marriam Tomb.

4. The respondents have contested the case

.... 4/-



and have stated that the applicant was transferred on his request from Chandok to Fatehpur Sikri, but that order has to be modified on administrative exigencies and in public interest and the applicant has been transferred to Marriam Tomb in Agra, District. The earlier order was modified on account of the fact that the Superintending Archaeologist was not aware about the past history of the applicant. When the past history of the applicant was brought to the notice of Superintending Archaeologist, the transfer order of the applicant dated 15.01.99 was modified on 01.02.99 from Fatehpur Sikri to Marriam Tomb. This modification was done in public interest and due to administrative exigencies.

5. Heard learned counsel for the rival contesting parties and perused the record.

6. It is seen ^{from the CA R} that the applicant has sought multiple relief, and the relief, sought in para 8(b,c&d) are not related to relief sought in para 8 (a). Under Rule 10 of Central Administrative Tribunal (Procedure) Rules 1987, the application shall be based upon a single cause of action and may seek one or that more reliefs provided they are consequential to one another. In this case the relief, sought in para 8 (b, c & d) are not consequential relief sought



in para 8 (a) and are not in accordance with Rule 10 of the Central Administrative Tribunal (Procedure) Rules 1987. The application is, therefore, not maintainable on this ground alone. During the course of argument, learned counsel for the applicant did not press for reliefs sought under paragraph 8 (b, c & d). Therefore, the only relief which remains to be adjudicated in this case is under para 8 (a) i.e. to set aside transfer order dated 01.02.99. It is not in dispute that the applicant is liable to be transferred on All India basis. It is settled law by the Hon'ble Apex Court that the transfer in public interest should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal on the ground of violation of Statutory Rules or on the ground of malafide. The Courts or Tribunals are not appellate forum to decide transfer on administrative ground. Wheels of administration should be allowed to run smoothly and the Courts or Tribunals are not expected to indict the working of the Administrative System by transferring the officers to proper places. In this case the learned counsel for the applicant could not draw our attention to the violation of any Statutory Rules nor he has filed any documents in support of his contention that the transfer order is malafide. The applicant has been transferred from Chandok to Marriam Tomb after a period of more than 8 years on administrative grounds. Hence, the order of transfer of the applicant from Chandok to Fatehpur Sikri and impugned modified transfer order dated 01.02.99 to Marriam Tomb cannot



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be termed as malafide. Moreover, the element of prejudice in to public interest can be involved only transfer from sensitive and important public offices and not in all transfers. Mere suspicion or likelihood of some prejudice to public interest is not enough and there must be strong unimpeachable evidence to prove definite substantial prejudice to public interest to make it a vitiating factor in an appropriate case unless it is justified on the ground of larger public interest and exigencies of administration. In view of the foregoing there are no grounds to interfere with the order dated 01.02.99 passed by the respondent no. 2.

7. In the light of the above facts and circumstances the OA is devoid of merit and the same is dismissed accordingly.

8. There shall be no order as to costs.


Member-A

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