

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

Allahabad this the 3rd day of July 2000.

Original Application no. 87 of 2000.

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

M.L. Verma, S/o Late Sundar Lal Verma,  
R/o 4/73, Old Kanpur, Kanpur Nagar.

.....Applicant

C/A Sri V.K. Agnihotri.

Versus

1. Union of India, through its Chief Engineer, Central Command, Lucknow.
2. Chief Engineer, Lucknow Zone, Lucknow.
3. The C.W.E. Kanpur Cantt.
4. The Garrison Engineer (P) F Y. Kanpur-09.

.....Respondents.

C/R Km. Sadhana Srivastava.

O R D E R

By, Hon'ble Mr. M.P. Singh : (A.M.)

The applicant is aggrieved by order dated 27.10.1999 passed by respondent no. 3 transferring him from G.E. (P) F.Y. Kanpur to A.G.E. (I) CDS, Kanpur.

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2. The brief facts of the case are that the applicant was posted in the office of the G.E. (P) F.Y., Kanpur on 05.10.1994. His name appears at serial No. 4 in the seniority list. Inspite of that, the respondents have passed the order of his transfer on 27.10.99. Being aggrieved by this order dated 27.10.99, the applicant submitted a representation to the respondents to cancel the transfer order. Thereafter he submitted a mercy appeal on 28.12.99 which is still pending for decision before the respondents. Since his request to cancel the transfer order has not been accepted by the respondents he has filed this O.A. seeking direction to the respondents to pay him salary for the month of December, 1999 and has also sought direction to set aside the order dated 27.10.1999.

3. Respondents have contested the case and have stated that the applicant is serving in Armapur area from 16.7.75 onwards. According to them there were two Military Engineering Service Offices Viz. Garrison Engineer Factory and G.E. (P) Factory, Kanpur. Both offices were situated within almost the same area. During his stay at Kanpur the applicant has served either with Garrison Engineer Factory Kanpur or G.E.(P) Factory, Kanpur. He was posted to G.E. Factory Kanpur w.e.f. 16.7.1975, G.E. (P), Factory, Kanpur with effect from 18.12.1985, again with G.E. Factory Kanpur, w.e.f 01.10.1989 and G.E. (P), Factory, Kanpur w.e.f. 5.10.94 and thus serving there for almost 24 years at a stretch till his posting to A.G.E. (I), C.D.S. Kanpur. According to them when no volunteer was available for posting out of that place within a distance of about 15 K.M., he was posted to A.G.E. (I) C.D.S., Kanpur being surplus, longest stayee. In view of the foregoing reasons the present O.A. is devoid of merits

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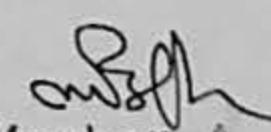
and is liable to be dismissed.

4. I have heard the learned counsel for the rival contesting parties and perused the records.

5. It is an admitted fact that the applicant is liable to serve on All India basis. The Transfer of a Government servant from one place to another is an incident of service. The law laid down by Hon'ble Supreme Court is that Court can not interfere in the transfer matter made on administrative ground unless there is violation of statutory guidelines or it is on the ground of malafide. In this case the applicant has stayed in the same station for almost 24 years. During the course of hearing learned counsel for the applicant could not bring to our notice any statutory guidelines which have been violated nor has alleged malafide against the respondents. In view of the aforesaid facts, there is no ground to interfere with the orders of the respondents transferring the applicant within the same station vide order dated 27.10.1999.

6. The O.A. is devoid of merit and is therefore, dismissed accordingly.

7. There shall be no order as to costs.

  
Member-A

/n.s./