

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

O.A.No. 580/2002

Allahabad this the 22nd day of May, 2002

Hon'ble Mrs. Meera Chhibber, J.M.

Brahma Nand Diwedi s/o Late Radha
Krishna Diwedi, resident of
village 124/107, B-Block,
Govind Nagar, Kanpur Nagar.

..... Applicant

(By Advocate: Sri N.L. Agrawal)

Versus

1. Union of India through
General Manager,
Baroda House, New Delhi.

2. Senior Divisional Electrical Engineer Traction
Railway Depot, Northern Railway,
Allahabad.

3. Senior Divisional Personal Officer,
Northern Railway Allahabad.

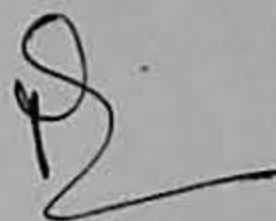
..... Respondents

(By Advocate: Sri A.K. Gaur)

O R D E R (Oral)

I have heard Sri N.L. Agrawal, counsel for the
applicant and Sri A.K. Gaur, counsel for the respondents.

2. In this OA the applicant has challenged his transfer
order dated 27.3.2002 whereby he has been transferred Tundle
from Kanpur. The only ground taken by the applicant in this
OA is that this transfer is malafide action as he had earlier
filed the OA seeking promotion which was allowed and the
respondents ^{were} given direction to comply with the directions.
Thus they have transferred him out with a malafide intention



and more over he is at the verge of retirement. I have perused the OA, the basic principles of law for malafide is that if the applicant wishes to alleged malafide he must implead the person by name against whom malafides are alleged. In the instant case nobody has ^{been} impleaded as respondents by name nor any case has been made out to show that the transfer order is malafide. Simply because the applicant had earlier filed OA which was allowed in his favour does not mean that the authorities cannot transfer him from one place to other. It goes without saying that transfer is an incident of service and the applicant has not shown any justification instructions which has ^{been} ~~to~~ ^{violated} followed by the respondents. The OA is absolutely vague as he has not mentioned when he ^{is} ~~has~~ due to retire and has simply stated that he is on the verge of retirement and would face hardship. The Hon'ble Supreme Court has repeatedly held that Tribunal should not interfere in the matter of transfer unless the orders are absolutely malafide or in ⁱⁿ ~~any~~ violation laid down instructions and guidelines by the respondents. Therefore, I am inclined to interfere in the above matter ^{not} ~~and~~. It is also seen that the applicant has not even given any representation to the respondents against the said transfer order whereas he ought to have given a representation to the respondents ^{being} ~~bring~~ out in his

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difficulties and giving other facts to show that his
transfer is bad in law but ^{not having done that} ~~he is not even shown that he has~~
not ^{even} exhausted the remedy available to him. This OA is ^{this}
devoid of merit and is dismissed at the admission stage
itself. No order as to costs.



Member (J)

vtc.