

(13)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 422 of 1986      198  
~~TXAXXDX~~

DATE OF DECISION 30-4-1987

\_\_\_\_\_  
Shri R.P. Raut      Petitioner

\_\_\_\_\_  
Shri V.H. Desai      Advocate for the Petitioner(s)

Versus

\_\_\_\_\_  
Union of India & Ors.      Respondent

\_\_\_\_\_  
Shri J.D. Ajmera.      Advocate for the Respondent(s)

**CORAM :**

**The Hon'ble Mr. P.H. Trivedi : Vice Chairman**

**The Hon'ble Mr. P.M. Joshi : Member Judicial.**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

JUDGMENT

OA/422/86

30-4-1987

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman

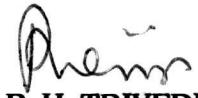
1. In this case the petitioner Shri R.P. Raut impugns the order dated 4-11-1986 at Annexure 'A' transferring him from Kakrapara to Bombay on the ground that he was first appointed on 20-4-1965 in Rajasthan Atomic Power Project, and was transferred on 30-3-86 to Kakrapara and from there again transferred to Bombay within a period of few months. He alleges that this transfer is mala fide and arbitrary. He considers it arbitrary because at the level of heavy vehicle driver there should not be transfers and, if such transfers are made within a few months that shows arbitrariness. He considers the orders mala fide because he alleges that because of being active in the union activities and holding a post in the union, the authorities have tried to ease him out from Kakrapara. He also considers that such transfers from one division to another is not in order.

2. Against this, the respondent states that the applicant had asked for a transfer to Kakrapara earlier, and it was not because there were no drivers not willing to go to Kakrapara <sup>or</sup> and that he was transferred from Rajasthan Atomic Power Project. He had also asked for a posting in Bombay, which is his home town. In 1975, the Nuclear Power Board Bombay, had asked the Kakrapara authorities that they wanted a senior driver from Kakrapara to be transferred to Bombay and the petitioner is the senior most driver and was accordingly transferred. The respondent states that according to the rules pertaining to the employees of the Nuclear Power Board the transfer of the applicant was in order and was justified for administrative reasons. The applicant had earlier sought to evade the transfer by filing a regular suit but had withdrawn it.

The respondent denied that the transfer had to be made for malafide reasons. In order to ensure that there is no hardship to the applicant the respondent has promised that the petitioner can retain his accommodation in the Kakrapara Project and have also assured him that they will do their best to get his accommodation at Bombay.

3. We heard the learned advocates and are satisfied that the transfer has been caused for having a senior driver for heavy vehicles. The petitioner had been assured that the problems of accommodation due to the transfer, having come about within a few months would be satisfactorily dealt with. There is no ground, therefore, to accept the plea that the transfer has been caused for mala fide reasons or is arbitrary in nature. We, therefore, hold that the application has no merits and fails.

No order as to costs.

  
( P H TRIVEDI )  
VICE CHAIRMAN

  
( P M JOSHI )  
JUDICIAL MEMBER