


OA/161/87

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CORAM : HON'BLE MR P H TRIVEDI : VICE CHAIRMAN

20/11/1987

Petitioner present in person. He requests time for producing circulars restraining the respondent from transferring the petitioner from one hard station to another hard station without gap at a soft station. He also claims that there are circulars restraining the respondents from transferring before three years. As the petitioner is already enjoying interim relief in his serving in a department where important matters or urgent work may be held up and as the proposed transfer is from Bhuj to Kalimpong, we are not inclined to delay in disposing of this case. The petitioner is allowed a last opportunity and the case be adjourned to 27th November, 1987 for final hearing. If the petitioner desires to produce any documents he will have to do so before Wednesday the 25th November, 1987 with a copy to the respondents.


(P H TRIVEDI)
VICE CHAIRMAN

shah/-

CORAM : HON'BLE MR P H TRIVEDI : VICE CHAIRMAN

27/11/1987

Heard learned advocates Mr R C Kodekar and Mr J D Ajmera for the applicant and the respondents respectively. The petitioner challenges the orders of transfer. The petitioner is a Field Officer in R.A.W. was transferred on 11/2/1987 from Bhuj to Kalimpong both of which are Class-C station. He was appointed in Bhuj from January, 1985. He challenges the transfer order due to mala fide reasons for it. His only ground for alleging mala fide is that the date of the transfer order is the same as ^{of} the notice he has given to the respondent authorities regarding his case for promotion which allegedly has not been allowed to him some time. In reply the respondents have stated that his transfer has been caused due to an officer who was earlier junior to him being posted at Bhuj and that this would cause an embarrassment to the petitioner. The petitioner also contends that in terms of circular dated 3/11/1987 which he has produced, a choice was to be offered to him as he is in Class-C station and he contends that he has a right to be considered for a better station in Class-A or B. Further, he has a ~~via~~ circumstance of personal hardship because his wife has a teaching post in Ambala and she has not joined him for a number of years.

2. After hearing the learned advocates, we do not find that there is any ground for alleging mala fide. The circumstance that the transfer order has been issued on 11/2/1987 on the same date on which he had issued a notice for his promotion is a coincidence and does not raise any

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presumption regarding mala fide or even reasonable ground for suspecting it. Besides, the reason given by the respondent that an officer who was earlier junior to the petitioner would be placed higher than the petitioner if the petitioner ~~was~~ was retained in Bhuj is a reasonable and satisfactory one having regard to the nature of the organisation in which the petitioner is serving. If such an arrangement was allowed not only there would be personal tension but likely adverse effect on work also.

3. There is some ground for treating the petitioner's case compassionately in due course and on his making necessary representation as he has served in a hard station for some time. The circular relied upon by him regarding choice dated 3/11/1987 is considerably after the impugned transfer order and it cannot be expected either to have been intended by respondent authorities to violate or to events apply to the case of the petitioner. The petitioner has not produced any instructions giving him any right for being retained at Bhuj in terms of service in a hard station for a length of service giving such a right or any right not to be transferred to the same class of hard station. We, therefore, do not uphold the contention of the petitioner that any choice was applicable or denied to him.

4. In the light of the above observation, the petition is found to have no merit and fails. No order as to costs. Interim relief earlier given stands vacated.

Pheni
(P H TRIVEDI)
VICE CHAIRMAN

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

4/9/1987

Heard learned advocate Mr R.C. Kodekar. ~~As~~ The case was originally fixed on 13th August, 1987 but on account of his being a case of transfer was fixed on 14th August, 1987 and the applicant has no notice that the case is fixed on 14th August, 1987, so The case be restored accordingly, O.A.161/87 stands restored. With this order M.A./383/87 is disposed of.

Pherr
(P H Trivedi)
Vice Chairman

OA/161/87

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

20.7.1987

Heard learned advocate Mr.P.N.Ajmera for Mr.J.D.Ajmera for the respondent and Mr.Krishna Chandra Sharma the applicant. Transfer has been effected just on the eve of the expiry of the notice. Under the circumstances ^{it is} ~~some~~ sufficient justification to admit the application, we hear both parties on merits. Ad-interim relief regarding stay of the transfer to continue. The case is adjourned to 13th August, 1987 for hearing.


(P.H.Trivedi)
Vice Chairman


(P.M.Joshi)
Judicial Member