

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXXXXXX~~

O.A. No. 291
~~XXXXXX~~

1990

DATE OF DECISION 10.8.1990.

Mr. Petric Joseph Petitioner

Mr. D.F.Amin Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. A.V. Haridasan

: Judicial Member

The Hon'ble Mr. M.M. Singh

: Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Petric Joseph,
C/o. Railway Quarter,
N.E. 38/A, Station Colony,
Dohad, Dist. Panchmahals. .. Applicant
(Advocate - Mr. D.F. Amin)

Versus

1. Union of India,
Representing General Manager,
Western Railway, Churchgate,
Bombay.
2. Divisional Safety Officer,
Western Railway,
Ratlam. (M.P.) .. Respondent
(Advocate - Mr. N.S. Shevde)

CORAM : Hon'ble Mr. A.V. Haridasan .. Judicial Member
Hon'ble Mr. M.M. Singh .. Administrative Member

O.A. No. 291 of 1990

O R D E R

10.8.1990.

(Per : Hon'ble Mr. A.V. Haridasan .. Judicial Member)

Heard Mr. D.F. Amin and Mr. N.S. Shevde, counsel
~~for~~^{on} the either side. The applicant, a Switch-man, working
in Dohad Railway Station, was served with an order of
transfer, transferring him to Jekot Railway Station which
is situated about 18 K.Mtrs. away from ^Mthe Dohad. Aggrieved
by the order of transfer on the ground that the transfer
is ~~invalid~~^{Violative of} from guidelines and that it has created lot
of personal inconvenience to the applicant. ~~He~~^{He} moved
this bench previously in OA/163/90 for quashing the order
of transfer. This bench disposed of the application with
a direction to the applicant to make a representation

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to the second respondent and with a direction to the second respondent to dispose of the representation taking into account details mentioned in the representation. The applicant consequently made a representation which has been replied to by the second respondent by his letter dt. 23.5.1990. This letter is the impugned order in this case. The applicant's grievance is that inspite of the specific direction of this Tribunal, the second respondent has failed to take into account the details mentioned in his representation and has in fact not considered the representation at all. Hence the applicant has filed this application praying that the impugned order of transfer at Annexure A-1 may be quashed. We have heard the learned counsel appearing for the applicant and also the respondent. The grievance of the applicant as stated earlier is only that he has been transferred from one station to another, the distance between the two being only 18 Kilo-Meters.

That The distance between these two stations is 18 Kilo-meters though not stated in the application, was admitted by the learned counsel for the applicant at the bar. The transfer in the case of transferable employee is an incident of service, unless he has been specifically posted for the whole term of his employment to a particular station by an order ~~to a station against the transfer~~ *A petition against A n application against* situated just 18 Kilo-Meters away is too trivial to be entertained. The transfer being an administrative matter, ~~the order~~ *ordered* in the exigency of service ~~could~~ *would* not be generally interfered with by judicial forum unless there is manifest injustice ~~injustice~~ or apparent malafide, we do not find any such thing in the impugned order of transfer. It is true that the second respondent has not given a very detailed order discussing ^M in merits and demerits of the representation. But then the order made by the

Transfer is a plea

administrative authority in matters like this cannot be ^{equated} ~~equited~~ to a judgment.

In this ^{background} ~~premises~~, we are not convinced that this is a fit case to be admitted and ^{So we} dismiss the application without being admitted. No order as to cost.

M. M. Singh

(M M Singh)
Administrative Member



(A V Haridasen)
Judicial Member

*Mogera