

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW DELHI~~

O.A. No. 147 of 1991
~~P.A. No.~~

with

M.A. No. 259 of 1991

DATE OF DECISION 25.7.1991

I.U. Joshi Petitioner

Mr. C.S. Upadhyay Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh Member (A)

The Hon'ble Mr. S. Santhana Krishnan Member (J)

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*

I.U. Joshi,
Driver-III,
O/o. Central Water Commission,
Mahi Division,
Ahmedabad-52.
(Advocate-Mr.C.S. Upadhyay)

: Applicant

Versus

1. Union of India,
Through:
The Chief Engineer(North),
Central Water Commission,
Room No.815, Seva Bhavan,
R.K. Puram,
New Delhi - 110 066.
2. Superintending Engineer,
Western River Circle,
Central Water Commission,
4-A, North Bazar Road,
Dharampeth Extension,
Nagpur-440 010(Maharashtra)
3. Executive Engineer,
Central Water Commission,
Mahi Division,
Vaghela Building,
I, Shyamnagar, Gurukul Road,
Memnagar, Ahmedabad-380 052. : Respondents
(Advocate - Mr. P.M. Raval)

O.A. No. 147 of 1991

with

M.A./259/91

O R A L - O R D E R

Dated : 25.7.1991


Per : Hon'ble Mr. M.M. Singh : Member (A)

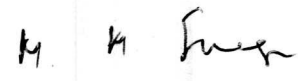
This original application has been filed by a motor vehicle Driver in the Office of Central Water Commission, Mahi Division, Ahmedabad-52, challenging the order dated 2.4.1991 issued by Executive Engineer, C.W.C., Mahi Division, transferring the applicant from Ahmedabad to Dharoi. The applicant

seeks relief of quashing and setting aside this order of transfer and to continue him at Ahmedabad.

2. It is alleged that the policy with regard to transfer of Group 'C' personnel is that they should normally not to be transferred from one Station to another except when any of the six conditions mentioned in the application are fulfilled. One of the conditions is exigency of service or administrative requirement. It is alleged that as seventeen transfers have been ordered, they may not be for exigency of service or administrative requirement. The exigency of service or administrative requirement are not to be inferred without ^{advancing it from it} any reason for mere number of persons figuring in an order of transfer. Hence the allegation that just because seventeen names figured in one transfer order, they cannot be in the exigency of service or administrative requirement is taking too ^h simplistic view of what ^{constitutes} ~~consistence~~ of exigency of service or administrative requirement. The applicant is just one of the seventeen persons. He has, therefore, no right to say that just because seventeen names figured in one transfer order including his and ^{and} sixteen others ^{is} ~~is~~ without respondents visualising exigency of service or administrative requirement. There is no allegation of malafide. The Misc. Application has been filed to the effect that ^{the} whole ^{of the} transfer order has since been kept in abeyance. That is one more reason for us to ^{hold it} believe that this application has no merits for our further consideration.

3. The Original Application is rejected, as well as M.A./259/91 which is also finally disposed of.


(S Santhana Krishnan)
Member (J)


(M M Singh)
Member(A)

*Mogera

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Driver-III,
O/o. Central Water Commission,
Mahi Division,
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