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Transfer

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DATE OF DECISION 28.08.1992.

Shri M.S. Parmar and others Petitioner

Shri M.S.Trivedi Advocate for the Petitioner(s)

## Versus

Union of India and others Respondent

Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N.V.Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Judicial Member

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 ?

1. Mr.V.S.Parmar,
2. Mr.Vinodkumar
- 3, Mr.Bachubhai.

C/o.Mr.M.S.Trivedi  
L/39,Shivani, Appartment,  
B/h.Sahajanand College,  
Ahmedabad.15.

...Applicants.

(Advocate : Mr.M.S.Trivedi)

Versus

1. The Union of India, through,  
The Director, General C.P.W.D.,  
Nirman Bhavan, New Delhi.
2. Superintendet Engineer(Coord),  
Coordination Circle, (WZ),  
C.P.W.D., Bombay.
3. ~~Executive~~ Engineer,  
ACED, CPWD, Shahpur,  
Ahmedabad.

... Respondents.

ORAL JUDGMENT.  
O.A.NO. 351 OF 1992.

Date : 28.08.1992.

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

The applicants are aggrieved by the impugned order dated 19.03.1992 (Annex.A-3), issued on the basis of the instructions received from the Director General Works (Resp.no.1) transferring them from the Office of the Civil Division, Ahmedabad, to the office of the Electrical Division, Ahmedabad or vice versa. The application was taken up for hearing on admission, ~~on~~ urgent motion, without removing certain obvious defects, noticed therein, viz:

- (i) In para 1 of the application, name of the applicant no.4, (R.K.Patni) is not mentioned.
- (ii) In para 6.1., it is stated by the applicants that "they are working as peons in the office of the respondent no.3," which is not correct because ~~three~~ applicants have now been transferred

to this office and one, D.M.Vankar, has been transferred from the Electrical Division to the Civil Division, Gandhinagar.

(iii) Out of the four applicants, only three signed the application, excluding V.M.Kakad.

2. Nevertheless, the application has been heard. The Civil Wing is under the control of Superintending Engineer, Bombay Civil Circle II and the Electric Wing is under the Superintending Engineer (Elect) Nagpur.

3. The main contention of the applicant is that the respondent DGW has no authority to transfer the Class IV employees from one Division to another. In support of this contention, certain portions of the C.P.W.D. Manual have been exhibited at Annexure - A/1, and the proceedings of the meeting held in the Office of the Chief Engineer (West Zone) C.P.W.D., Bombay, have been produced at Annexure - A-2.

4. We have heard the learned advocate for the applicants. The impugned order Annexure-A/3, is not a transfer order in strict administrative parlance. There is no change of station. It is only a re-allocation of work within the same station. This cannot be compared with transfers which involve movement from one station to another. There cannot be any grievance, whatsoever, in this regard, for the concerned employee cannot complain of any conceivable hardship. A grievance can arise if one is shifted from a post carrying an allowance or special pay to another post in the same station which does not carry this benefits. That situation does not obtain here. As the learned counsel put it, the applicants who were working in the fourth floor of the building are now to work in the third floor or vice versa. That is <sup>hardly</sup> ~~hardly~~ a ground to file this application. The reshuffling involves more than

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one Division and therefore, the orders have been issued on instructions of the Head of the Department and have been effected at a number of places.

5. The documents exhibited by the applicants have no relevance. The applicants have no right to continue in the same office at the same station and the respondents have every right to shift them periodically in administrative interest.

6. The application is devoid of any merit. It is dismissed in ~~the~~ *limine* u

*R.C.*

( R.C.Bhatt )  
Member (J)

*N.V.*  
*28.8.92*

( N.V.Krishnan )  
Vice Chairman