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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

No
Transfer

O.A. No. /215/93
T.A. No.

DATE OF DECISION 23-4-1993

Khimjibhai Kacharaji Ghoghra Petitioner

Mr.M.V.Patel Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr.Akil Kureshi Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M.R.Kolhatkar : Admn. 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 ? ✗

Khimjibhai Kacharaji Ghoghra,
aged about 36 years, Caste : Adivasi Dungari Garasiya,
Occupation : Service, R/o Block no.20,
room no.459, 'A' Colony, Shahibuag, Ahmedabad.

.....applicant

Advocate : Mr.M.V.Patel

versus

1. Union of India, Central Provident Fund Commissioner,
9th Floor, Connaught circles,
New Delhi, 1. Mayur Bhavan.
2. Regional Provident Fund Commissioner (First),
Near Income tax circle, Bhavishyanidhi Bhavan,
Ashram Road, Ahmedabad-14.
3. Smt.A.S.Golvelkar, Section supervisor,
Damages, Bhavishyanidhi Bhavan, Near Income-tax
circle, Ashram Road, Ahmedabad. 14.

.....respondents.

Advocate : Mr.Akil Kureshi

ORAL ORDER

O.A./215/93

Date : 23-4-1993

Per : Hon'ble Mr.R.C.Bhatt,
Judicial Member

M.V.
Heard learned advocate Mr.Patel

for the applicant. Mr.Kureshi waives notice and appears

by the applicant that one Mrs.S.J.Trivedi, Assistant Account Officer who is the head of the applicant, is interested in respondent no.3. The applicant alleged in the application that Mrs.Trivedi, who is not joined as a party in this application, is interested in the respondent no.3 that he should work under herself and hence, the applicant is transferred. The learned advocate for the applicant submitted that the applicant had never demanded such transfer. He submitted that the general policy is not to transfer the S T community.

3. Mr.Kureshi for the respondents submits that the transfer of the applicant is from one department to other department in the same office, and there is no allegation of malafides against any of the respondents nor is there any allegation about the breach of any rule or guideline. He submitted that there is absolutely no substance in this application and it should be dismissed.

4. After hearing the learned advocates for the parties, we find no substance in this application. There are two decisions of the Hon'ble Supreme Court of India on the subject of 'Transfer'

for the respondents. We admit the matter and dispose it of finally. The applicant serving in the office of Regional Provident Fund Commissioner i.e. the respondent no.2 has filed this application challenging the order of transfer dated 31-3-1993 passed by the respondent no.2. The applicant ~~as~~ a Section Supervisor, by this impugned order of transfer, is transferred from the enforcement floor department, ~~xxxxxxx~~ situated on the 3rd floor to the damages department on the ground floor in the office of the same building, meaning thereby that the proposed transfer is, ~~to~~ in the same building-office but there is change in the floor of the building. The applicant has challenged the transfer on the grounds A to L mentioned in para-7 of the application. The learned advocate Mr. Patel for the applicant submitted that the applicant belongs to Adivasi Dungari Garasiya that community, he is working ~~sincerely~~ sincerely and honestly, that there is no complaint against him, that he is working Section Supervisor in enforcement section under respondent no.2 from 5-8-92. He submitted that by the impugned order of transfer, the applicant is transferred to the post ~~of~~ ^{held by} respondent no.3 to the section damages and the respondent no.3 is ~~is~~ transferred from damages section to his branch. It is alleged by


ms

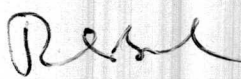
one is Miss Shipli Bose and others v/s
State of Bihar and others, AIR 1991 SC page-532
which is followed subsequently by the Hon'ble
Supreme Court of India in Rajendraroy v/s
Union of India and others reported in 1993
AIR Supreme Court Weekly, page-520. The ratio
of these two judgments is ~~that~~ ^{that} unless an
order of transfer is passed in violation any
statutory rules or if it is done with malafides,
Tribunal should not interfere ⁱⁿ the transfer order.
In this case, we are not at all satisfied that there
is any violation of rule nor is there any allegation
of malafides against respondents no. 1 and 2.
It is transfer in the same office building. The
application deserves to be dismissed.

5.

ORDER

The application is dismissed. No
order as to costs.


(M.R.Kolhatkar)
Member (A)


(R.C.Bhatt)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 215 of 19 93.
Transfer Application No. _____ Old W.Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 24/5/93

Countersigned :

[Signature]
26.5.93
Section Officer/Court officer

[Signature]

Signature of the Dealing Assistant

