

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 341/93
T.A. No.

DATE OF DECISION 2-7-1993

Lt. Col. P.C. Chandel Petitioner

Shri P.C. Master Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan

Member (A)

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 ?

No

Lt. Col. P.C. Chandel
 Commanding Officer 4th Gujarat
 Girls Bn. N.C.C. Vallabh Vidyanagar

Applicant

Advocate

Shri P.C. Master

Versus

1. Union of India
 (notice to be served
 through) Secretary,
 Ministry of Defence
 South Block, New Delhi
2. Director General Office
 the Directorate General
 N.C.C. West Block IV,
 R.K. Puram, New Delhi

Respondents

Advocate:

ORAL JUDGEMENT

In

O.A. 341 of 1993

Dt: 2-7-1993.


Per Hon'ble


Shri N.B. Patel

Vice Chairman

The applicant who is ^{the} Commanding Officer of the 4th Gujarat Girls Bn. N.C.C., has been transferred from Vallabh Vidyanagar to Lucknow by an order dated 10th May 1993. Another Officer named Mr. Gupta, has been transferred from Meerut to Vallabh Vidyanagar vice the applicant by an order dated 12th May 1993. The applicant challenges his transfer to Lucknow on the ground that he is entitled to claim compassionate posting since he is due to retire from service on 31st October 1994 and his request for transferring him to a station

in Hariyana or ^{by} continuing him at Vallabh Vidyanagar has not been duly considered. The applicant has pointed out several instances in which compassionate postings have been given to others. However, the averments made in the application ^{do} ~~did~~ not amount to any charge of malafide against the transferring authority and it is possible that, though the approach of the transferring authority was to accommodate as many officers as possible on compassionate ground, unfortunately, it was not possible to accommodate the applicant. Since no breach of any statutory provision or malafide is alleged, we are not inclined to interfere with the transfer order. The presumption has ^{to be} ~~been~~ that the transfer order is made in public interest. Apart from all this, we are informed that Lt. Col. ~~Mr.~~ Gupta, who is posted vice the applicant, has already left his charge at Meerut and is likely to take over charge at Vallabh Vidyanagar on 5-7-1993. It would, therefore, be too late in the day to entertain the application and it would affect the interest of Mr. Gupta also. We are told that he is being transferred to Vallabh Vidyanagar on his own request. Lt. Col. ~~Mr.~~ Gupta is not a party to the application. The application is summarily rejected. Notice discharged.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. OA/341/93. of 19

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 : 07/07/93 .

Countersigned :

Chhagan
17/8/93

Section Officer/Court officer

1286
Signature of the Dealing
Assistant

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U. of T. & O.S.

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