

11

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 69 of 1990.

Date of decision : April 26, 1990.

Brahmananda Meher

...

Applicant.

Versus

Union of India & others ...

Respondents.

For the applicant ... M/s. B. Patnaik,  
B. Mohanty,  
M. K. Badu, Advocates.

For the respondents ... Mr. Ganeswar Rath,  
Sr. Standing Counsel (Central)

C O R A M:

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

---

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

-----

JUDGMENT

N. SENGUPTA, MEMBER (J) This case is being disposed of at the stage of admission after hearing on the consent of learned advocates for the parties i.e. Mr. B. Patnaik, learned counsel for the applicant and Mr. Ganeswar Rath, learned Standing Counsel (Central) for the respondents.

2. The relief that the applicant prays for is

for quashing the order of transfer to Imphal. The applicant's case is that though in the order of transfer it has been mentioned that it has been made in the public interest, in reality it is punitive as would be found from the various annexures to the application. Admittedly, the applicant was appointed as a Weaver Grade II in the Weavers Service Centre, Bhubaneswar and was promoted as Grade I weaver. He was continuing as such Grade I Weaver from 4th November, 1986 till he went on leave. Some technical staff who were not well disposed towards him did not give him the required assistance for which he could not give adequate outturn but the administration has ordered his transfer in the middle of academic session on the ground that he has not been doing the required work as Grade I Weaver at Bhubaneswar.

3. We have heard Mr. B. Patnaik, learned counsel for the applicant and Mr. Ganeswar Rath, learned Standing Counsel (Central) for the respondents. It has now been authoritatively laid down that it is not open to this Tribunal to entertain an application concerning an order of transfer unless of course it is shown to be malafide or is vitiated by like cause. The applicant made some representations to the concerned administrative authority and it is alleged by him that the representations have not yet been disposed of. On the other hand, it has been alleged by Mr. Ganeswar Rath that the applicant to avoid

*Mr. S. S. S.*

work and his transfer applied for leave and remained absent from duty with ulterior motive. At this stage we do not feel it necessary to express any opinion on the merits of the submissions made by learned counsels for the contending parties, all that we would like to observe is that since the transfer has been made before the end of the academic session and as the education of the children of the applicant are bound to be affected, it be not given effect to till the end of the academic session i.e. 30th June, 1990. The Administration would be free to enforce the order of transfer after disposing of the representations of the applicant giving him a hearing in the matter. The application is accordingly disposed of. No costs.

*B. N. Mukherjee*  
..... 26.4.90  
Vice-Chairman

*Member (Judicial)*  
..... 27.4.90

