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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 405 OF 1991.

Date of decision: 31. 3. 92

Narottam Sahoo Applicant

-Versus-

Union of India and others Respondents

For the applicant M/s J.Patnaik,
H.M.Dhal,
S.K.Patnaik,
A.A.Das,
Advocates

For the Respondents Mr. Ashok Mohanty,
Sr. Standing Counsel
(Central)

C O R A M:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

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 ~~His~~ Lordships wish to see the fair copy of the Judgment? Yes.

T.S

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: M/s.J.Patnaik,
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For the Respondents

: Mr. Ashok Mohanty, Sr. st.
Counsel(Central).

CORAM:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

JUDGMENT

K.P.ACHARYA, V.C.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to quash the order passed by the Competent Authority on 11th October, 1991 (Order No.90/91) contained in Annexure-1 transferring the Petitioner from Cuttack Doordarshan Kendra to the Doordarshan Kendra, Sambalpur.

2. Shortly stated, the case of the Petitioner is that at present he has been working as Producer Gr. II in Doordarshan Kendra, Cuttack. On 11th October, 1991, an order was passed by the Competent Authority transferring

him to Sambalpur in the same capacity. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintain that the transfer of the Petitioner from Cuttack to Sambalpur was against a vacancy caused by transfer on promotion of Shri B. Panigrahi, who was working as Producer, Gr.II in the said Office and was promoted to the post of Assistant Station Director and posted to Silchar. Further case of the Opposite Parties is that the transfer of the Petitioner is purely ^{due to} ~~in the~~ administrative exigency and in public interest, it should not be unsettled - rather it should be sustained.

4. I have heard Mr. H.M. Dhal learned Counsel appearing for the Petitioner and Mr. Ashok Mohanty learned Senior Standing Counsel(Central) appearing for the Opposite Parties.

5. Law relating to interference with a transfer order by the Court or the Tribunals has been settled by the Honourable Supreme Court in the case of Mrs. Shilpi Bose and others Vs. Union of India and others reported in AIR 1991 SC 532. In the said case, Their Lordships have held that an order of transfer could be interfered with if there is any mala fide or bias ^{on the part of} ~~against~~ the Competent Authority or there is violation of statutory mandatory rules. In the present case there is absolutely no allegation of malafide or bias or violation of any statutory mandatory rules. The only ground~~s~~ on which the order of transfer

is sought to be quashed ~~as~~ that several other persons who are at Cuttack for longer period than the Petitioner ⁱⁿ serving the same capacity have not been transferred to Sambalpur and the Petitioner has been transferred though he had been posted at Sambalpur ^{on} earlier occasions and has served at Sambalpur for a little more ^{than} a year and ~~and~~ that wife of the Petitioner being a heart patient she needs treatment at Cuttack and further more transfer of the Petitioner at this juncture will tell upon the studies of his children being the mid-academic session. All these points were strenuously urged before me by the Petitioner's Counsel Mr. Dhal and in reply thereto Mr. Ashok Mohanty submitted that the Petitioner being a person of Sambalpur, the Competent Authority choose the Petitioner because he is very well -acquainted with Sambalpur language and his services would be of immense value not only to the Administration but to the listeners of the programme exhibited by the Doordarshan. The fact that the Petitioner belongs to Sambalpur is not disputed.

6. As regard ^{the} ailment of wife of the Petitioner, Burla Medical Hospital is equally equipped like that of S.C.B.Medical of Cuttack. I do not feel that there may be any difficulty for the Petitioner for treatment of his wife. The only point ^{which} ~~was~~ ^{was} ~~talked~~ ^{is} ~~with me~~ about the mid-academic session of the children of the Petitioner. Hence the order of transfer is hereby sustained holding that the Petitioner should join at Sambalpur but due to

the mid-academic session the order of transfer is kept in abeyance till 31st May, 1992 and the Petitioner should hand over ~~the~~ ^{of} charges in the present office on the said day, subject to the observation made above the application stands dismissed leaving the parties to bear their own costs.

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31.3.92
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack / K. Mohanty.

