

14  
8  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 4 OF 1992.

Date of decision: 29.1.1992

R.C.Nayak and others .... Applicants

-Versus-

Union of India and others .... Respondents

For the applicant M/s Devand ~~and~~ Misra, Deepak Misra,  
R. N. Naik, A. Deo, B. S. Tripathy,  
P. Panda, Advocates.

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

....

CORAM:

THE HON<sup>E</sup> BLE 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?
3. Whether His Lordships wish to see the fair copy of the judgment? Yes.

1/2/1

JUDGMENT

K. P. ACHARYA, V.C.

The Petitioners (four in numbers) are Driver

Habildars in Aviation Research Centre at Charibatia.

They were transferred to Sarsawa vide Memo No. 732 dated 29.8.1991. Their Prayer for quashing the order of transfer was rejected in O.A. No. 469/90 and in O.A. 316/90. No doubt leave was given to the Petitioners to move their higher authorities. Their representations to the higher authority has since been dismissed. Hence this application has been filed with a prayer to quash the order of transfer.

2. In their counter, the Opposite Parties maintain that the application is not maintainable in view of the previous judgments and hence it should be rejected.

3. I have heard Mr. Deepak Misra learned Counsel appearing for the Petitioners and Mr. Ashok Mohanty learned Standing Counsel for the Central Government on the merits of the case.

4. Mr. Deepak Misra contended that the order passed by the higher authority on the representation of the petitioners is not a speaking one and no reasons have been assigned while dismissing the representation and on this account the transfer order should be quashed. Mr. Ashok Mohanty learned Standing Counsel stiffly opposed this contention.

//3//

5. Recently the Hon'ble Supreme Court has held that where the rules do not provide for assigning any reasons by the concerned authority, no illegality has been committed by the authority for not assigning any reasons. Therefore, the above argument of Mr. Misra is devoid of merit.

6. I find no justifiable reason to interfere with the impugned order of transfer especially in view of the discussions in the above mentioned original applications hence this petition stands dismissed leaving the parties to bear their own costs.

7. In view of the dismissal of this Original Application, further orders in Misc. Application No. 21 of 1992 does not warrant any specific orders to be passed because the stay order stands automatically vacated. Parties to bear their own costs.

*B. K. Sahoo*  
29-1-92

.....  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/B. K. Sahoo.