

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 572 OF 1993

DATE OF DECISION: NOVEMBER 23, 1993

K.V.B. SATYANARAYANA

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*

K.P. Acharya 23/11/93
(K.P. ACHARYA)
VICE CHAIRMAN

6

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 572 OF 1993

Date of decision: 23rd November, 1993

K.V.B. Satyanarayana	Applicant
	Versus	
UNION OF INDIA & OTHERS	Respondents
For the Applicant	...	M/s. G.A.R. Dora, V. Narasingh, Advocates
For the Respondents	...	Mr. D.N. Mishra, Standing Counsel (Railways)

C O R A M :-

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

J U D G M E N T

K.P. ACHARYA, V.C.

Petitioner who is now working as Senior Section Officer (Accounts) in the office of the Senior Project Manager doubling (construction), South Eastern Railway, Visakhapatnam has been transferred to the Office of the Deputy C.E.E. (C) / S.E Rly / VSKP with immediate effect contained in Annexure-9 dated 31st August, 1993 which is sought to be quashed.

2. Grievance of the petitioner is that he has been transferred from one station to the other on several occasions and that is 8 or 9 times during a span of 3 to 4 years. Hence this application has been filed with the aforesaid prayer.

ln

3. In their counter, the Opposite Parties maintain that the petitioner being a competent officer has been posted to another office in the same station who can give better out-put in his work. Therefore, in the interest of administration, the petitioner has been transferred which should not be quashed - rather it should be sustained.

4. We have heard Mr. G.A.R. Dora learned counsel appearing for the Petitioner and Mr. D.N. Mishra learned Standing Counsel (Railways).

5. At the out set, I expressed my reluctance to quash the order of transfer but I wanted to know the reasons as to why this transfer order is sought to be quashed. Mr. Dora learned counsel appearing for the petitioner emphatically submitted before me that due to the frequent transfer of the petitioner from one station to other, the petitioner has a reasonable apprehension in his mind that his colleagues ^{are} thinking ill of him and would be carrying a wrong impression that the petitioner ^{is} ~~to be~~ a most inefficient and incompetent officer for which he is being consistently transferred. In my opinion not only this apprehension is illfounded but it has no legs to stand upon especially when the Opposite Parties have stated in their counter that the petitioner is a competent officer. Once the authorities have expressed an opinion that the petitioner is a competent officer, it is not at all material as to what is being thought of ~~him~~ ^{by} his colleagues. Therefore, this contention of the petitioner put through learned

counsel does not appear to ~~be~~ to be a reasonable one for acceptance. **In** view of the fact that the petitioner has been transferred from one office to ~~another~~ in the same station, I do not like to interfere with the impugned order of transfer which is hereby maintained.

6. Finally Mr. Dora submitted that at least an observation should be made by this Bench directing the authorities that the petitioner should not be transferred within a short term. I am sure, the authorities would seriously take into consideration this submission of Mr. Dora and avoid as far as possible, subject to administrative exigency of such frequent transfer of the petitioner from one station to other.

7. Thus, the application is accordingly disposed of.
No costs.


23.11.93
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
November 23, 1993.