

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 613 of 1993

Read with

Misc. Application No. 85 of 1994

Date of Decision: 17.3.1994

R.B.Pradhan and others

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

*by 17.3.94*  
VICE-CHAIRMAN

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Respondent(s)

For the applicants

M/s.B.B.Ratho, B.N.Rath  
K.B.Panda, SN Mohapatra,  
KR Mohapatra, JN Rath,  
S.Ghosh, S.K.Jothy,  
M.K.Panda, Advocates

For the respondents

Mr.Ashok Mishra,  
Sr.Standing Counsel  
(Central)

C O R A M:

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

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioners (4 in number) pray to quash the order passed by the competent authority transferring them from Talcher to Baroda.

2. Shortly stated the case of the petitioners is that they were appointed as Watchman under the Heavy Water Plant at Talcher. They have been transferred to Baroda. Hence this application has been filed with the aforesaid prayer.


3. In their counter the opposite parties maintain that the petitioners have been appointed purely on temporary basis and since their services are no longer

required the competent authority took a sympathetic view over the petitioners. Instead of depriving them of from their respective jobs the competent authority thought it just and proper to adjust the petitioners against some posts of Watchman which are vacant at Baroda. The petitioners have no legal right or justifiable cause of action to rush to the portals of the Court to get the orders of transfer cancelled. Hence the case being devoid of merit is liable to be dismissed.

3. There is no appearance on the side of the petitioners. I have perused the pleadings of the parties and the documents filed <sup>along with</sup> the application with the assistance of Mr. Ashok Mishra, learned Senior Standing Counsel, who ~~has~~ also been heard at some length.

4. The leading case on the subject of transfer is the case of Mrs. Shilpi Bose and others vs. State of Bihar and others reported in AIR 1991 SC 532. Before the pronouncement <sup>in</sup> of the aforesaid case, Their Lordships had also ruled ~~out~~ in the case of Union of India vs. H.N. Kirtania reported in 1989 S.C.C. (L&S) 481 that the Court should not interfere in regard to the case of transfer unless there is malafide, bias or violation of statutory mandatory rules. <sup>effect</sup> Very same view has also been repeated in the case of Mrs. Shilpi Bose and others vs. State of Bihar and others (Supra). In the present case there is no plea to the <sup>effect</sup> ~~fact~~ that there was any malafide, bias <sup>in</sup> of violation of statutory mandatory rules. Therefore,

I find no merit in this application which stands dismissed leaving the parties to bear their own costs. In view of the dismissal of the original application the stay order passed earlier stands automatically vacated. Thus both the original application No.613/93 and Misc.application No.85/94 are also disposed of accordingly.

  
17.3.94  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 17.3.1994/ B..K.Sahoo