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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH: CUTTACK.

Original Application No. 449 of 1995

Cuttack this the 20th day of December, 1995

SHRI LAWRENCE HERENJI

... ..

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 NO
Central Administrative Tribunals or not?


(P. V. VENKATAKRISHNAN)
MEMBER (ADMINISTRATIVE)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 449 of 1995

Cuttack this the 20th day of December, 1995

CORAM:

THE HONOURABLE MR. P. V. VENKATAKRISHNAN, MEMBER (ADMINISTRATIVE)

....

LAWRENCE HERENJ, 41 years,
son of Joseph Herenj a permanent resident
of Digha, PO Bhalulatta, Singhbhum,
at present serving as Assistant Welfare Commissioner,
Central, Barbil, Barbil, Keonjhar.

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PETITIONER

ADVOCATE FOR THE APPLICANT : M/S. A.K. MISHRA,
J. SENGUPTA, B. ACHARYA,
S. B. JENA, S. K. Das,
A. K. GURU,
ADVOCATES.

-VERSUS-

- 1) Union of India through its
Secretary, Ministry of Labour,
Government of India,
Sharmasakti Bhaban, Raffimarg,
NEW DELHI.
- 2) Welfare Commissioner, Labour Welfare Orgn.,
33, Asoknagar, Bhubaneswar.
- 3) D. Pradhan, L.O., Ordinance Factory,
Katni, M.P.,

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OPP. PARTIES.

ADVOCATE FOR THE RESPONDENTS : MR. AKHAYA KUMAR MISHRA
ADDL. STANDING COUNSEL
(CENTRAL).

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O R D E R

MR. P. V. VENKATAKRISHNAN, MEMBER (ADMINISTRATIVE) :

Applicant is working as Assistant Welfare Commissioner, Central at Barbil. He is aggrieved by the transfer order, Annexure-9 dated 24. 7. 1995 under which he was transferred to Ahmednagar (Maharashtra). The Tribunal considered the matter at the time of admission and stayed the operation of the order in so far as it relates to the applicant as an interim measure.

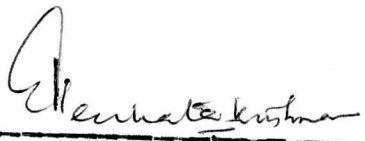
2. The applicant does not allege any mala fide in respect of transfer. His contention is that due to various personal problems, his case should have been considered with sympathy. At the time of hearing, learned counsel for the applicant stated that this being the middle of academic year and the applicant having school going children, his transfer should be kept in abeyance atleast till the end of academic year.

3. It is now well settled that the Tribunal cannot interfere with the orders of transfer unless there

is either an allegation of mala fide or the transfer order violates ^{the} ~~the~~ statutory order/rule. That is not the case here. Under these circumstances, the prayer in the application can not be accepted.

4. However, considering that there are hardly three months left for the end of academic year, the first respondent may consider the case of the applicant as sympathetically as possible and permit the petitioner to continue in his present station till the end of academic year .

5. Thus, the Original application is accordingly disposed of ^{and also} ~~and also~~ The M.A. filed by the respondents bearing No. 887 of 1995 ^{also} is disposed of accordingly. No costs.


(P.V. VENKATAKRISHNAN)
MEMBER (ADMINISTRATIVE)

KN Mohanty
20.12.1995.