

(A)

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

4/8. Anil DCO  
B. K. Sahoo  
B. S. Tripathy  
CAT/J/J/II  
J. K. Misra  
P. K. Misra

O.A./I.A./R.A. No. .... 722 ..... 1996

Amar Sethi ..... Applicant(s)

Union of India & Ors. .... Respondent(s)

Sr. No.	Date	Order with Signature
---------	------	----------------------

	3.10 96.	REGISTER Registrar
1.	3.10.96	<p>Heard the learned Counsel for the applicant and Shri Ashok Mohanty learned Senior Standing Counsel (Central) for the Respondents. The impugned order of transfer has been passed by Respondent No. 2 i.e. Superintending Engineer, Telecom Civil Circle, Unit-IX, Bhubaneswar in his Office Order No. 21(1)/SETC (BBSR) 648 dated 15-7-1996. The applicant also challenges the relief order passed by the Executive Engineer, Postal Civil Division, Cuttack in his Order No. 21(2)/PODC/96/1216 dated 23-9-1996. By Annexure-3, the applicant has been transferred from Postal Civil Division, Cuttack A/C Section and posted to Telecom Civil Division, Cuttack (Corr.) Cuttack. By Annexure-4, he was relieved from his duties consequent on the order</p> <p>9/10 for 18 50/- has been filed.</p> <p>3-X-96.</p> <p>For Regn. pl.</p> <p>3.10.96.</p> <p>For Admn.</p> <p>For Stey pl.</p> <p>Bench.</p>

Serial No of Order	Date of Order	Order with Signature
		<p>on at Annexure-3 <del>dated</del> 23-9-96. There are two grounds raised by the learned Counsel for the applicant. The first ground is that Shri Dibakar Sethy was transferred from Postal Civil Division, Cuttack to Telecom Civil Division, Cuttack by an order dated 29.3.96 and till <del>that</del> he has not been relieved. There is absolutely no justification <del>according</del> to <sup>taking</sup> the applicant with such urgency by an order dated 23.9.96. The second ground of the learned counsel for the applicant is that by Annexure-6 the C.P.M.G., Orissa Circle by a communication dated 9th April, 1996 directed the subordinate officers not to relieve any official without substitute with respect to Civil and Electrical wings in view of certain difficulties brought to his notice. According to the counsel, he should not have been relieved without waiting for a substitute. The learned Senior Standing Counsel, Mr. Mohanty opposed the claims.</p> <p>I have carefully considered the submission. I am of the view that there is absolutely no cause or grievance in this petition. The applicant has been transferred within the same city from one office to another and in the same status. There can conceivably, therefore, no difficulty for him in accepting the order of transfer which is an incident of service. The employer has a right to transfer a person from one post to another in the interest of administration. Law is well settled that courts can interfere with such an order of transfer only if the order is actuated by mala fide or the order is an infraction of some rule or principle. None of these situations is shown to exist in this case. As to why one Shri Dibakar Sethy was not relieved by the Executive Engineer Annexure-5, who has been transferred on 29.3.96 has not come on</p>

Order

Date of Order

Order with Signature

Office note as to action (if any) taken on order

record. He might have been retained for several administrative reasons in the interest of administration. The respondents are competent to so adjust their staff as would subserve the interests of administration. It is not necessary for me while dealing with the impugned order of transfer to discuss as to why another person has not been relieved. Virtually this petition boils down to the relief order. The claim of the applicant is that he should not have been relieved. This in my opinion is incomprehensible. Once a transfer order is passed, the order of relief is automatic ~~is~~ in execution of the order of transfer. I do not see any merit in this petition. The same is dismissed at the stage of admission.

Sd/- N. SAIU

Member (Admn.)