

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

ORIGINAL APPLICATION NO.353 OF 2000
Cuttack this the 24th day of July, 2001

Suresh Chandra Das ... Applicant(s)

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Applicant(s)

-VERSUS-

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

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Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Ans*
2. Whether it be circulated to all the Benches of the *Ans* - Central Administrative Tribunal or not ?

SOMNATH SOM
VICE-CHAIRMAN
22/1.12.1961

(G. NARASIMHAM)
MEMBER (JUDICIAL)

20

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**ORIGINAL APPLICATION NO.353 OF 2000
Cuttack this the 24thday of July, 2001**

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Shri Suresh Chandra Das, aged about 42 years,
S/o. Shri Ananta Kishore Das, working as U.D.C.,
All India Radio, Cuttack

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Applicant

By the Advocates

M/s.Akhaya Kr.Mishra

-VERSUS-

1. Union of India represented through Secretary, Information & Broadcasting, Sashtri Bhawan, New Delhi-110001
2. The Director General, All India Radio, Akashavani Bhawan, New Delhi-110001
3. Shri Hrushikesh Pani, Station Director, All India Radio, Cuttack-753001
4. Shri Dusmanta Kumar Bal, U.D.C., All India Radio, Bhawanipatna

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Respondents

By the Advocates

Mr.A.K.Bose
Sr.St.Counsel (Res.1 & 2)

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O R D E R**

MR.G.NARASIMHAM, MEMBER (JUDICIAL) : Applicant, an U.D.C. of All India Radio, challenges the order of transfer, transferring him from Cuttack to Bhawanipatna through order dated 31.7.2000 (Annexure-2). Admittedly Respondent No.4 (Dusmanta Kr.Bal), U.D.C. has been transferred from Bhawanipatna to Cuttack in place of the applicant.

2. The grievance of the applicant is that while serving at Cuttack he met with an accident on 10.4.1997, which ended in surgery on his head and the problem arising out of the accident is still continuing. At first he received order dated 26.7.2000 (Annexure-1) transferring him to CCW, Bhubaneswar,

with direction that he should be relieved on the Afternoon of 15th August/2000. Subsequently the impugned and modified order of transfer to Bhawanipatna was served on him. This order, according to him, was issued with malafide. The applicant has other domestic difficulties in regard to education of his children for shifting to a far-away place like Bhawanipatna. Though the wife of the applicant represented under Annexure-3 the same did not yield any result.

3. Respondent No.4 though duly noticed had not filed any counter. The departmental respondents in their counter maintain that since 22.9.1981 the applicant has been serving at All India Radio, Cuttack. He being the senior most in the U.D.C. cadre at Cuttack had to be transferred to Bhawanipatna in place of Respondent No.4, who had already completed the required tenure in a hard station like Bhawanipatna. Though by order dated 26.7.2000 the applicant was transferred to Civil Construction Wing (CCW), Bhubaneswar, it was subsequently realised that the post to which he was transferred is a temporary one and the same may be reverted to Sambalpur Region at any time. Accordingly the order was modified and the applicant was transferred to Bhawanipatna. There is no ill motive in passing the subsequent order of transfer and the order of transfer has been passed in the interest of the administration.

4. Heard the learned counsels on record. Law is well settled that transfer is an incident of service. Unless an order of transfer is arbitrary, whimsical and tainted with malice, it needs no interference. The applicant has not controverted that Respondent No.4 has completed his tenure at a hard station like Bhawanipatna and he is ripe for transfer.

12
He has also not controverted that he has been at Cuttack since 1981. The plea of malice is a vague one and is not supported by any facts. Against the post to which the applicant was transferred to Bhubaneswar is a temporary one and is likely to be reverted at any time. This fact has also not been controverted by the applicant. Hence the question of interference by the Tribunal with the order of transfer on the ground of domestic difficulties and that too when Res.4 has already joined at Cuttack would not arise for consideration.

5. For the reasons discussed above, we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Som
SOMNATH SOM
VICE-CHAIRMAN
24.7.80

24.7.80
(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//