

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

O.A.NO. 163 OF 2004
31st day of March, 2006

CORAM:

HON'BLE SHRI JUSTICE B.PANIGRAHI, CHAIRMAN

.....
Gangadhar Chhatoi, aged 49 years, son of Charan Chhatoi, Choukidar-cum-Attendant, Holiday Home , Puri, Dist.Puri

.....Applicant

1. Union of India, represented through its Secretary, Department of Labour, At-Central Secretariat, Shastri Bhavan, New Delhi.
2. Welfare & Cess Commissioner, At-33, Ashok Nagar, P.O/P.S. Bhubaneswar, Dist.Khurda
3. Sri S.Pradhan, C.C.A. State-cum-Mobile Medical Unit, Bagadia, P.O/P.S. Bagadia, Dist. Angul

.....Respondents

Advocates for the applicant

- M/s B.S.Mishra-II,
M.R.Mishra,
A.P.Dhalsamant,
A.R.Mishra

Advocate for Respondents

- Mr.U.B.Mohapatra, Sr.CGSC

O R D E R
(Oral)

SHRI JUSTICE B.PANIGRAHI, CHAIRMAN

The applicant was appointed as Cook-cum-Chowkidar in September 1979. He was transferred from Holiday Home, Puri, to Mobile Medical Unit, Birmitrapur, District- Sundargarh, in 1988. On 29.3.1993 he was transferred from Biramitrapur to Mobile Medical Unit, Dasarathpur, where he continued till 17.4.2002. Again he came back to Puri from where he was transferred to State-

State-cum-Mobile Medical Unit, Bagadia, in the district of Angul, by order dated 6.5.2004 (Annexure 4). Although he was transferred from Puri, he is continuing there by virtue of an interim order passed by the Tribunal.

2. There is no dispute that the applicant is a Group D employee. Ordinarily, Group-D employees are not transferred from one station to the other unless there exists administrative reasons. When asked to Mr.U.B.Mohapatra, learned Senior Central Government Standing Counsel, appearing for the Respondents, to justify the transfer of the applicant from Holiday Home, Puri, to State-cum-Mobile Medical Unit, Bagadia, he stated, after reading from the counter, that since the performance of the applicant was not satisfactory to the superiors while they had visited Holiday Home, Puri, such transfer was effected on account of administrative reasons. It is the settled principle of law that in the matter of transfer, neither the Court nor the Tribunal should ordinarily interfere unless the order of transfer is an outcome of bias or mala fide. On a perusal of the Original Application it is found that no such allegation of bias or mala fide has been made against the Respondent-authorities for transferring the applicant from Holiday Home, Puri, to State-cum-Mobile Medical Unit, Bagadia. In the Rejoinder also, this aspect, which has been averred in the Counter, has not been refuted. Accordingly, the statement made by the Respondents is to be accepted since it has not been refuted by the applicant. In this case, there is no reason to interfere with the order of transfer since it has been made on administrative grounds. But, however, Shri Mishra, learned counsel appearing for the applicant, has vehemently pleaded that instead of making the applicant join at Bagadia, the Respondent-

authorities should transfer him to one of the vacant posts available at Bhubaneswar or Khurda. I am not inclined to pass any order on this submission of the learned counsel. However, it is left to the Respondent-authorities to pass an appropriate order by adjusting the applicant at some other place, if no inconvenience is caused to them, upon a representation being made by the applicant within a period of three weeks from today.

3. With the above observation, the Original Application is dismissed. No costs.



(B.PANIGRAHI)
CHAIRMAN

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