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O.A.No. 438 of 2006.

Order dated 16-05-2006.

Applicant is a Class IV employee working as Light House Attendant in the Paradeep Light House, at Paradeep. Seeking his transfer and posting at Kolkata he made a representation which having been turndown under Annexure0-A/1217.03.2006 he has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985.

Heard Mr. B.S.Tripathy, learned counsel appearing for the Applicant and Mr. B.Dash, learned Additional Standing Counsel for the Union of India; on whom a copy of this Original Application has already been filed on the question of admission.

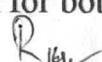
Law is well settled that transfer and posting of an employee is within the administrative control of the authorities. Law is also well settled that courts or Tribunals ^{are} not the Appellate Authority to decide on transfer of the officers and who should be transferred where *is* a matter to be decided by the Administrative

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Authorities. The wheels of the administration should be allowed to run smoothly and the courts or tribunals are not expected to interdict/interfere in the working of the administrative system unless the order of transfer is made in gross violation of the statutory and mandatory rules or is an out come of malice.

It is the case of the Applicant that there are vacancies available in the Office located at Kolkata where the Applicant can be adjusted. In this view of the matter, without expressing any opinion on the merits of the matter, this Original Application is disposed of with a direction to the Respondents/authorities to treat this Original Application to be a representation to them and consider/reconsider the grievance of the Applicant for his transfer and posting at Kolkata within a period of 60 days from the date of receipt of a copy of this order.

Send copies of this order along with copies of this O.A. to the Respondents and free copies of this order be given to learned counsel for both sides.


MEMBER(ADMINISTRATIVE)