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O.A. No. 289/08

ORDER DATED 5th AUGUST, 2008

Coram:

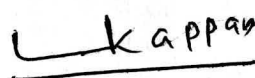
Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

This Original Application has been filed challenging the transfer order dated 24.12.2007 (Annexure-A/3). The applicant had taken the contentions that he was facing consecutive transfers within a span of 02 years and it is against the principles laid down by the Apex Court reported in AIR 1988 SC 2005 and the applicant is a victim of the victimization of the authorities and now he is posted vide the transfer order to work in place of the Junior Engineer by way of punishment. On going through the averments and records produced it is seen that the application itself is a belated one as the order of transfer is of 24.12.2007. The immediate provocation of the applicant to file this application to comply with the order of transfer order or otherwise his salary will be stopped. We are wondering, how the applicant is continuing without joining in the transfer post and if the authorities are not in a position to relieve the applicant the remedy available to the authorities are left to them. However, we see that transfer is an incident to his service and unless and until the transfer order is with malafide intention or victimization or even not in accordance with the guidelines issued or followed in the Department in the matter of transfer and posting, this Tribunal is not justified to interfere with such orders.

~~Accordingly~~ ² We are of the view that this Original Application is devoid of any merit and is dismissed accordingly. No order as to costs.


Member (A)


MEMBER (J)