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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 465 of 2010
Cuttack, this the 24th day of December, 2010

Er.Rabinarayan Routray.... Applicant
-Versus-
Union of India & Others.... Respondents

CORAM
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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The order of transfer of the
Applicant in Annexure-A/I from ARC,
Charbatia to ARC, Sarsawa in UP has been
impugned in this Original Application filed
U/s.19 of the A.T. Act, 1985 on various
grounds, transfer during current mid-academic
session is bad in law, is one amongst them.
Respondents by filing counter strongly
opposed the prayer for annulling the order of

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transfer made in the OA. Applicant has also filed his rejoinder. Heard the rival claims of the parties and perused the materials placed on record. In this case, no such exceptional ground or materials have been placed; rather the facts and materials placed on record by the Applicant are so inadequate that it is difficult for this Tribunal to make a departure from the numerous decisions of the Hon'ble Apex Court as also of this Tribunal rendered over a span of nearly one decade holding that Courts/Tribunals have no jurisdiction or competence to interfere in an order of transfer made in public interest/Administrative exigency unless it is proved that the same is in violation of any statutory rules or is an outcome of mala fide exercise of power. Hence, I

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find no substance in the prayer to quash the order of transfer under Annexure-A/1.

2. However, it is noticed that in consideration of the representation of the Applicant, the Respondents deferred the transfer of the Applicant from his present station i.e. ARC, Charbatia to ARC, Sarswa on account of the education of his daughter, till December 31, 2010 vide order under Annexure-13 dated 23rd September, 2010. It is not disputed in bar that the current academic session will be over by the end of February/March, 2011. As it was the intention of the Respondents not to disturb the Applicant during the current academic session and the current academic session will end during February/March, 2011, the Respondent No.1 is

hereby directed to keep the relieve of the Applicant from his present place of posting in abeyance till 31st March, 2011.

3. With the aforesaid observation and direction this OA stands disposed of. No costs.


(C.R.MOHAPATRA)
~~Member (Admn.)~~