

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 672 of 2010
Cuttack, this the 2nd November, 2010

Nakul Ch. Behera Applicant
Versus
Union of India & Ors. Respondents

C O R A M
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER(ADMN.)

O R D E R

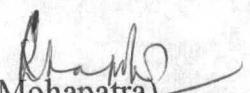
Heard Mr. G.Rath, Learned Senior Counsel for the Applicant and Mr.B.K.Mohapatra, Learned Additional Standing Counsel for the Union of India having received copy of the OA for and on behalf of the Respondents in advance, appearing for the Respondents. Perused the materials placed on record.

2. Applicant having faced the order of transfer in his present capacity of Officer Surveyor from Bhubaneswar to Lucknow under Annexure-A/1 submitted representation under Annexure-A/3 & A/4 seeking cancellation of his order of transfer for the reasons mentioned in his representation. As it appears from the record such representation of the applicant having been rejected and communicated to him in letter under Annexure-A/5 he has approached this Tribunal seeking to quash the order of his transfer under Annexure-A/1 and the order of rejection under Annexure-A/5. The grounds attributed in support of his prayer to quash his order of transfer in the OA are that he is going to retire on reaching the age of superannuation after three years and that he has two grown up daughters of marriageable age. Their marriage have not yet been settled and the same is possible only if he is allowed to continue at Bhubaneswar and that persons having long years of stay have not been disturbed whereas with the above difficulties he has been transferred to far away place. Accordingly, he has prayed to quash his order of

4
transfer. This was strongly opposed by Learned ASC by taking the support of various decisions of the Hon'ble Apex Court in regard to the power and jurisdiction of this Tribunal to interfere in the order of transfer which has been made in public interest. Considered the submissions made by Learned Counsel for both sides. This being a matter of transfer, discretion is always left to the competent authority to decide and I do not intend to interfere in it especially when not only the applicant but also several others have also faced such transfer. However, the grounds based on which the applicant seeks annulling his order of transfer were also the grounds put forward by him in his representation but the authorities after considering the difficulties insisted on the applicant to go on transfer. He has been sanctioned the TA etc as per his entitlement. This Tribunal is not the appellate authority over the decision of the competent authority to monitor the day to day transfer and posting of employees. The Applicant has not shown violation of any of the Rules or the order of transfer is in any manner as the out come of malice or mala fide exercise of power.

3. In view of the above I do not find any merit in this OA and this OA is accordingly dismissed at this admission stage.

Since this OA is disposed of at the admission stage, send copies of this order along with OA to the Respondent No.3 for record.


(C.R. Mohapatra)
Member (Admn.)