

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A. No.47 of 2011

B.C.Mohapatra ....Applicant

-Versus-

Union of India & Others. .... Respondents

For the Applicant: M/s.S.K.Ojha, S.K.Nayak, D.K.Mohanty Counsel.

For the Respondents: Mr.S.Mishra, ASC

(For details refers the cause title of the OA]

Order dated the 16<sup>th</sup> March, 2011.

C O R A M

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

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

.....

Applicant after getting the order transferring him from his present place of posting (Bhubaneswar) to Gandhinagar (in the state of Gujarat), had approached the authority seeking extension of joining time or to transfer him to nearby station. The said representation was rejected and communicated to the Applicant in letter dated 05.01.2011 in Annexure-A/6. Hence being aggrieved by the said orders he approached this Tribunal in the present OA seeking to quash the order under Annexure-A/1, A/2 and A/6 and direct the Respondent No.2 to give some alternative posting at nearby station.





2. Respondent's contention is that the post in which the applicant is continuing is having all India transfer liability. As per the transfer policy one can remain in a particular station for five years. Applicant has already completed five years at Bhubaneswar. This is a routine transfer made in public interest/exigency of work. Hence, the Respondents vehemently opposed the prayer of the applicant and have prayed for dismissal of this OA.

3. Parties have reiterated the stand taken in their respective pleadings. Having heard them at length, perused the materials placed on record. It is seen that the applicant earlier approached this Tribunal challenging his order of transfer. On being noticed that the representation filed by the applicant against his transfer was pending, this Tribunal disposed of the earlier OA with direction to the Respondents to consider and dispose of the representation of the Applicant. We have examined the case of the applicant with reference to the grounds set out by the Respondents vis-à-vis the various judicial pronouncements on the subject of interference of the Tribunal in the order of transfer of an employee made in public interest/exigency of work. Law is well settled in a plethora of judicial pronouncements, that even if the order of transfer often causes a lot of difficulties and dislocation in the family set up of the concerned employees but on that score the

5

order of transfer is not liable to be struck down. Unless such order is passed *mala fide* or in violation of the rules of service or without any proper justification, the Tribunal should not interfere with the order of transfer. In a transferable post an order of transfer is a normal consequence and personal difficulties are matters for consideration of the Department. But none of the points raised by the Applicant makes out a case for interference by this Tribunal. Hence we find no merit in this OA. This OA is accordingly dismissed. The Applicant should carry out the order of transfer within 15(fifteen) days hence. There shall be no order as to costs.

  
(A.K.PATNAIK)  
Member (Judicial)

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