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CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R.

Date of Order: 27.9.1995.

DA No. 263/95

R.P. Joshi ... APPLICANT.

Vs.

Union of India & Ors. ... RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. B.S. Rathore, Counsel for the Respondents.

...

CORAM :

Hon'ble Mr. N.K. Verma, Administrative Member.

BY THE COURT :

Heard Mr. J.K. Kaushik and Mr. B.S. Rathore.

2. Applicant has sought a relief against the orders of his transfer on the ground that the transfer order was issued to him without taking into consideration a review proposed to be made in this matter by the Chief Engineer Southern Command. Learned Counsel for the respondents has brought to my notice that the review has been carried out and the applicant was asked to move out of Jodhpur as per Review.

3. Transfers are such matters in which ordinarily the Tribunal cannot interfere with as per catena of the judgements given by the Hon'ble Supreme Court. Latest in the series of orders is with reference to this very Bench of the Tribunal in the case of Union of India Vs. G.D. Singh reported at 1995 (30) ATC 629

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decided in February, 1994. Head note reads-Transfer made by Competent Authority for administrative reasons- Held, not subject to Judicial Review- where the allegations that transfer to another Depot was malafide, was made without specifying the officers to whom that allegation was attributed and further allegation that the transfer has been made on account of the transferee's complaint about the working of the Depot was rejected by the Tribunal, such order of transfer, should not have been quashed as being the result of trade union activities of the transferee. Even otherwise, on facts the Tribunal's view that the transfer was made in colourable exercise of power, held not justified." In this case neither mala fide was alleged against any officer nor was any ground taken that the transfer order was in violation of any rules or instructions in the matter. Needless to reiterate the Hon'ble Supreme Court's dictum in the case Shilpi Bose Vs. State of Bihar (1991) 17 ATC 935 " Courts should not interfere with the transfer orders which are made in public interests and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. If Government servant holding transferable post has no vested right to remain posted at one place or the other, he is liable to be posted from one place to the other. Transfer order issued by the competent authority do not violate his legal rights even if a transfer order is passed in violation of executive instructions or orders the Courts ordinarily should not interfere with the order."

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4. Viewed against the above judgments of the Hon'ble Supreme Court, no case has been made out in the present O.A. and, therefore, the same is dismissed in limine, at the stage of admission. No order as to costs.

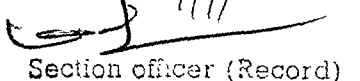
5. The interim order issued on 5.7.1995, therefore, stands vacated.

N.K. Verma
(N.K. VERMA)
Member (A)

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Received Copy -
J. L. Smith
10-10-95

Part II and III destroyed
in my presence on 2/1/2001
under the supervision of
section officer [] as per
order dated 4/9/2002...


Section officer (Record)