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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

Date of order : 15.5.1995

O.A. No. 190/95

GHIRISH MATHUR

: Applicant

vs.

UNION OF INDIA AND OTHERS

: Respondents

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THE HON'BLE MR. N.K. VERMA, ADMINISTRATIVE MEMBER

present

Mr. K. Moinuddin, Counsel for the applicant.

BY THE COURT

Heard Shri K. Moinuddin, learned counsel for the applicant.

2. He has come again in this OA against the decision of the respondents in not transferring him to the Unit of Divisional Accounts Office from the Unit of workshop Accounts Office, both stationed at Jodhpur. The applicant had earlier moved this Tribunal vide OA No. 72/95 in which a direction was given at the admission stage that transfer of the applicant may be examined by the respondents and a decision thereon taken before ordering any fresh person to the Divisional Accounts Office, Jodhpur. The respondents were directed to inform the applicant of the decision taken in the

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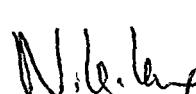
matter within a period of three months from the date of receipt of a copy of the order. Accordingly, the respondents vide Annex A-4 of this O.A. dated 24.3.1995 have informed the applicant that his case for transfer from the Workshop Accounts Office, Jodhpur to Divisional Accounts Office, Jodhpur cannot be ~~accessed~~ acceded to in the absence of any provision in the Accounts Department under the extant rules for maintaining priority for transfer of the staff from one accounting to another accounting unit at the same station. They have further said that the rules quoted in the application are applicable to the cases where an employee is seeking transfer from one division to another, situated at different station and not to the transfer from one office to another at the same station.

3. The learned counsel for the applicant tried to impress that the Railways have ~~admitted~~ committed transfers within the same division and they themselves being doing so as would be evident from Annexures A-1 to A-3. A number of officials were transferred from several units stationed at Jodhpur to another unit stationed at Jodhpur for which a priority register was maintained. However, in the case of the applicant a go-by~~s~~ has been given to this priority. Shri Moinuddin was not able to produce any circular of the Railways which prescribes transfer of an official from one unit to another at the same station. As per one of the Railway Circulars annexed in the

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OA the Railway Board had desired that officials working within a division can also be transferred within a division at a station of choice depending upon their personal circumstances. This provision gives the employees an opportunity for getting posting to a choice station depending upon their requirements. However, there is no ruling supporting the claim that an official could be transferred from one unit to another unit belonging to the same division located at the same station. No pressing or valid reasons also has been brought forward to support this request. This is another matter that the respondents have been transferring officials belonging to other units, from one unit to another at Jodhpur as per their discretion. Since the discretion of the respondents cannot be fettered by directions of this Court in absence of any statutory rule to the contrary, I do not consider the case is fit for admission. The case is, therefore, dismissed at the admission stage itself.

4. Normally, in a case like this I would have awarded cost to the respondents for unnecessarily bringing the matter to the Tribunal where the discretion lies with the administration to post an official from one unit to another. This case is a frivolous one and vexatious. Such OAs need to be discouraged. It is hoped that in future such OAs are not filed when proper directions were already given by this Tribunal and the respondents have shown substantial compliance to the same.


(N.K. VERMA)
Member (Adm)