

(9b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 257/1999
T.A. No.

199-

DATE OF DECISION : 24.05.2000.

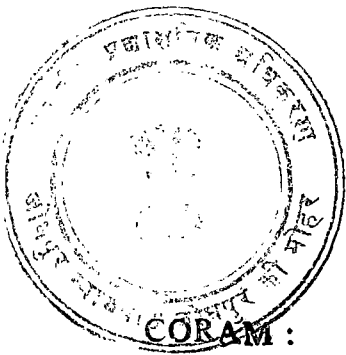
Oma Ram Saran Petitioner

Mr. J.K. Kaushik, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent (s)

Mr. Vineet Mathur, Advocate for the Respondent (s)



The Hon'ble Mr. A.K. Misra, Judicial Member

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

Gopal Singh
(Gopal Singh)

Adm. Member

A.K. Misra
(A.K. Misra)
Judl. Member

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 14.5.2000

O.A. No. 257/1999

Oma Ram Saran S/O Shri Bhera Ram, aged about 31 years
R/O Rampura Bhatia Tehsil Osinya, District Jodhpur, at
present employed on the post of Driver in the office
of Locust Warning Organisation, Jodhpur.

... Applicant

Vs

1. Union of India through Secretary to Government of India, Ministry of Agriculture (Department of Agriculture & Co-operation, Krishi Bhawan, New Delhi.
2. The Plant Protection Advisor to Government of India, Directorate of Plant Protection, Quarantine and Storage, NH-IV, Faridabad-121001 (Haryana).
3. Deputy Secretary and Chief Administrative Officer, Directorate of Plant Protection, Quarantine & Storage, NH.IV, Faridabad-121001 (Haryana).

... Respondents

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

Mr. Vineet Mathur, Counsel for the Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

Applicant, Oma Ram Saran, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 3-12/8/1999 (Annexure A/1) ordering transfer of the applicant from Jodhpur

Gopal Singh

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to Bhuj. It is the contention of the applicant that his transfer has been ordered so as to accommodate two other employees in their choice place of posting and, therefore, his transfer cannot be said to be in public interest.

2. In the counter, it has been submitted by the respondents that it is a simple case of transfer in public interest. It has further been averred by them that the applicant has not exhausted the departmental remedy before approaching the Tribunal.

3. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

4. It is seen from order dated 3-12/8/1999 (Annex.A/1) that two other employees namely Mahendra Kumar and Sona Ram have been transferred to Balotra and Jodhpur respectively on their own request and the applicant has been transferred to Bhuj in the vacancy caused by transfer of Mahendra Kumar. We consider it appropriate to extract the order dated 3-12/8/99 as under :

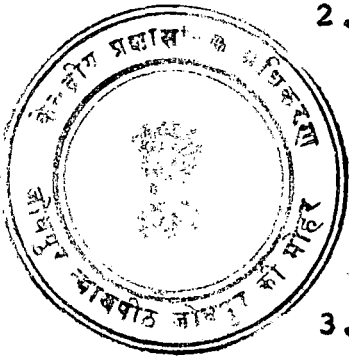
*OFFICE ORDER NO.102 of 1999

With the approval of the Plant Protection Adviser to the government of India, the transfer of the following Drivers are hereby ordered with immediate effect and until further orders :

S.NO. Name of the official		TRANSFERRED	
		From	To
S/Shri			
1.	Oma Ram Saran ...	L.W.O. Jodhpur	Locust Out-post Bh
2.	Mahender Kumar ...	L.O.P. Bhuj	Locust Out-post Bh
3.	Sona Ram ...	L.O.P. Balotra	L.W.O. Jodhpur (vice Shri Oma Ram Saran transferred)

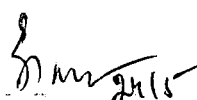
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2. The transfer of Shri Oma Ram Saran, Driver is in public interest and he will be entitled for joining time and T.T.A. However, transfer of S/Shri Mahender Kumar and Sona Ram, Driver are at their own request and hence the officials shall not be entitled to joining time and T.T.A. etc., as per rules.
3. Shri Oma Ram Saran, Driver ISS, Jodhpur would move first to relieve Shri Mahender Kumar, Driver LOP, Bhuj. Till Shri Oma Ram Saran reports for duty on transfer to LOP, Bhuj, Shri Mahender Kumar will not leave the outpost."
5. It is abundantly clear from the above order that the applicant has been transferred out of Jodhpur so as to accommodate Mahendra Kumar and Sona Ram in their choice place of posting. Thus, we are of the opinion that the impugned transfer order is not in public interest, rather it is in the interest of Mahendra Kumar and Sona Ram and the order has been issued to favour Mahendra Kumar and Sona Ram. The impugned order, therefore, deserves to be quashed and application ~~is~~ allowed.
6. The Original Application is accordingly allowed. Impugned Order dated 3-12/8/1999 (Annexure A/1) is quashed. No costs.


(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

Part II and III destroyed
in my presence on 30-10-06
under the supervision of
section officer () as per
order dated 23-7-8-86

Section officer (Record)

R (copy on 30/12/06)

M. J. (B. Khan)

Copy of order sent
to Mr. Vinit Mathur
vide no. 153
date 5/6/2000
J
5/6

62