In the Central Administrative Tribunal
Jodhpur Bench, Jodhpur

(5)

केन्द्रीय प्रशासनिक अधिकरण (प्रक्रिया) नियमावली ... के अन्तर्गत निःशुल्क प्रति

Date of order : 05th August, 1999.

1. OA NO.175/1999

E.J.Joseph S/o Shri Varghese Joseph, aged about 55 years, R/o Behind Old Hospital, Dungarpur, at present employed on the post of PA in the office of Head Office, Dungarpur.

2. OA NO. 176/1999

Mohan Lal S/o Shri Kevalji, aged about 36 years, R/o Near City Dispensary, Patela, Dungarpur, at present employed on the post of Accountant, in the office of Head Post Office, Dungarpur.

3. OA NO. 178/1999

Lalu Ram Katara S/o Shri Thawraji, aged about 54 years, R/o Vill. and PP Mathugamda, Dist. Dungarpur, at present employed on the post of PA in the office of Head Post Office, Dungarpur.

... Applicants.

Mr.J.K.Kaushik — For the Applicants.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Dungarpur Division, Dungarpur- 314 001.

...Respondents. (In all OAs)

Mr.Vineet Mathur — For the Respondents

CORAM :

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

.....

ORDER

(PER HON'BLE MR.A.K.MISRA)

.....

In all these O.As, the applicants have challenged the transfer order dated 28.6.1999,

Annex.A-1. Their grievance as against the transfer and the relief claimed by the applicants in each case, is similar, therefore, all these cases are disposed of by this common order.

2. We have heard the learned counsels for the parties and gone through the case file.

3. All the applicants were transferred from Dungarpur to Banswara, vide impugned order dated 28.6.1999, Annex.A-1. The contention of the applicants are that transfer is a mid-term transfer, punitive in nature and has been made without considering the individual problems of the applicants. In the O.A. No. 175/1999, the applicant has stated that his wife is a serving lady and he himself is a heart patient, therefore, the transfer order deserves to be quashed on these grounds alone.

4. On the other hand, respondents have contended that there is no allegation of mala fide against any of the respondents nor there are allegations of colourable exercise of power, therefore, the transfer order cannot be disturbed. The transfers have been made in exigencies of service on administrative grounds. The applicants have completed their tenure at old station. All of them have been transferred within the area of administrative control of respondent No. 2. Therefore, the O.As deserve to be dismissed.

5. We have considered the facts of each individual O.A. and also the arguments advanced by both the learned counsels. There are no allegations of mala

-fide against any of the respondents neither the transfer order is shown to be in colourable exercise of ~~colourable~~ power, therefore, in our opinion, the transfer order cannot be interfered with. Looking to the administrative exigencies, individual inconveniences or problems cannot be treated important. Transfer is an essential event of Government service. Applicant Lalu Ram has been working at Dungarpur since June 1993. Applicant, Mohan Lal has been working at Dungarpur since 1995 and applicant E.J.Joseph has been working at Dungarpur since 1988. With the exception of applicant, Mohan Lal, other applicants remained posted at Dungarpur for more than four years whereas Mohan Lal has been posted at Dungarpur for almost four years. Thus, their transfer cannot be said to be premature. It is a settled law that transfer orders made in the exigencies of administration are not liable to be interfered with unless gross misuse of power and instances of mala fide have been brought on record. In the instant cases, these two important points are missing. Transfer orders made in administrative exigency are not required to be interfered with in judicial review. The Original Applications, in our opinion, deserve to be dismissed.

6. The Original Applications are hereby dismissed with no orders as to cost.

SD/-
(GOPAL SINGH)
ADM.MEMBER

प्रमाणित सही प्रतिलिपि
11/8/99
अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर

SD/-
(A.K.MISRA)
JUDL.MEMBER

Part II and III destroyed in my presence on 14-2-06 under the supervision of section officer ( ) as per order dated 16/5/06

Section officer (Record)