

D/S

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Date of order : 14.2.2001

O.A.NO. 27/2001

M.A.Qureshi S/o Shri Late Zahoor Ahmed aged about 45 years, R/o Basni House, Kapra Bazar, Jodhpur-2, at present employed on the post of PGT (History) in the office of Kendriya Vidyalaya, ONGC, Mehasana-2.

...Applicant.

versus

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Sing Marg, New Delhi 16.
2. The Principal, Kendriya Vidyalaya No.1 (Air Force), Jodhpur.
3. Smt.H.B.Kumar, PGT (History), Kendriya Vidyalaya No.1 (Army), Jodhpur.

...Respondents.

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CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

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

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Per Mr.A.K.Misra :

Heard the learned counsel for the applicant.

2. By this OA the applicant has challenged the transfer order Annex.A/1 dated 22.12.2000 by which he has been transferred from Central School (Air Force)-I Jodhpur to Central School, ONGC, Mehasana. The contention of the applicant is that in order to accommodate a

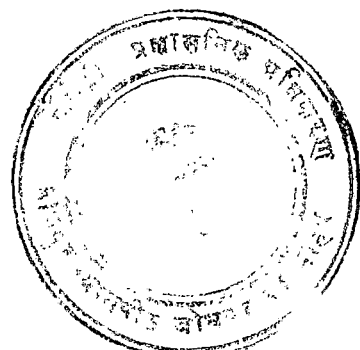
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candidate the applicant has been transferred in violation of the policy laid-down by the department in respect of transfer matters.

3. It is the allegation of the applicant that respondent No. 3 Smt. H.B.Kumar, PGT (History), has the longest stay at the station and if some-body was to be adjusted as per his request under Clause 10-A of the transfer policy then she should have been transferred instead of the applicant.

4. We have considered the submissions of the learned counsel for the applicant and have gone through the O.A.



5. During the course of arguments, the learned counsel for the applicant was fair enough to inform us that the applicant has continued to be posted in the present school since 1987 but Smt.H.B.Kumar, is also said to be staying at the same station since 1987.

6. In our opinion, the matters relating to transfer has been settled beyond any dispute. Transfer order passed due to ~~on the ground of~~ mala fide or in colourable exercise of power, can only be quashed. But, the transfer orders made in departure from departmental guidelines cannot be said to be mala fide transfers. In this case, no statutory rules or guidelines have been shown to have been violated. Consequently, the applicant cannot question his transfer because he has been staying at the present station since 13 years and transferring a Government employee after 13 years of

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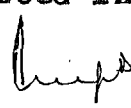
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posting can be treated as having been covered under the administrative exigencies. It is not for the employee to judge where he should be transferred or not or if transferred at which place. Consequently, the applicant in this case has no legs to challenge the present transfer order.

7. The transfer order is said to be a mid-term transfer. But, mid-term transfers can affect the children and their studies only when they are made to shift along with the Government servant, and not otherwise. In this case, the children of the applicant are studying in private schools. The Government servant trying to impart education in private schools like the one in hand, has to face the difficulty of ~~not~~ in shifting his ward along with them at the transferred place.



8. In view of the above discussions, the O.A. has got no merit and deserves to be rejected and is hereby rejected in limine.


(A.P.NAGRATH)
Adm. Member


(A.K.MISRA)
Judl. Member

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10/10/07 along with 07/10/07
 sent to R1 to R3 10/6/07
 26-2-2007 10/8/07

R1 copy
 26/12/07
 26/12/07

AD Recd with sign from R1 R3
 Unserv'd Letter Recd from R3
 25/6/07

Part II and III destroyed
 in my presence on 21-3-07
 under the supervision of
 section officer as per
 order dated 19/2/07

Section officer (Records)