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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 19.10.2001

O.A. No. 296/2001

J.P.Jat S/o Shri Dev Karan aged about 41 years, resident of Quarter No. 3/1, Telephone Exchange, Gulabpura, Official Address presently serving as J.T.O., Gulabpura in the office of S.D.E., Gulabpura, Distt. Bhilwara.

.....Applicant.

VERSUS

1. The Union of India through the Secretary, Ministry of Tele-Communication, Department of Telephone, Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom, Rajasthan Circle, Jaipur.
3. The General Manager Telecom District-Bhilwara - 311 001.
4. The Sub Divisional Engineer (Group Exchange), Gulabpura.

.....Respondents.

Mr. Kamal Dave, Counsel for the applicant.

CORAM :

HON'BLE MR.JUSTICE B.S.RAIKKOTE, VICE CHAIRMAN
HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

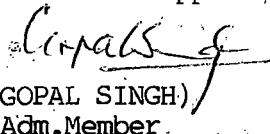
ORDER

(Per Hon'ble Mr.Justice B.S.Raijkote)

This application is filed by the applicant being aggrieved by the order of transfer dated 8.10.2001 vide Annex.A/1. From the impugned order, it is clear that the applicant had been transferred from Bhilwara to Sirohi. But, the contention of the applicant is that his son and

daughter, are the students, and if the applicant has to go and join at the place where he is transferred, the children's career would be affected, since they cannot be shifted to new school at Sirohi in the middle of the academic year. Therefore, the impugned order is causing hardship to the applicant and his family members. The applicant also contended that he has an old aged mother to be looked after. Therefore, it would be in the interest of justice and equity to set aside the impugned order. He further contended that earlier there was some allegations against the applicant regarding misuse of telephone vide Annex.A/2, and in all probability, the impugned transfer is given only in the form of punishment. But, in our considered opinion, none of the grounds are tenable for setting aside the impugned order. In the case of an employee, such transfers in the middle of academic year would be inevitable in the public interest. Only because applicant's son and daughter are studying in an institution at Bhilwara, cannot be a ground for cancelling the transfer order. Moreover, in the case of his mother, she can be taken along with him, where the applicant is transferred in case she requires applicant's assistance. Regarding the contention that the impugned order of transfer is by way of punishment, we find that absolutely there is no connection between the alleged misuse of telephone and the impugned transfer order. There is no material on record to suggest that the transfer order has been anything to do with the alleged misuse of telephone, which had taken place sometime back. Therefore, we do not find that the impugned order is in any way punitive in nature. As noted by Hon'ble the Supreme Court, the transfer is an incidence of service. Therefore, we do not find any ground to interfere with the impugned order. Accordingly, we pass the order as under :-

"The Application is dismissed at the stage of admission."


(GOPAL SINGH)
Adm. Member


(JUSTICE B.S. RAIKOTE
Vice Chairman

Part II and III destroyed
in my presence on 22-5-07
under the supervision of
section officer () as per
order dated 3/3/07

M.G.L.
Section officer (Record)

Copy of finger along with OA
filed to R.M. 23/10/2007

Printed seek to file 166
filed 463

R. M. 23/10/2007

Adm. 3/10/2007
R.M. 23/10/2007
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or file Adm. 23/10/2007