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CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

O. A. Nos. 68/2007, 69/2007 and 70/2007

Date of order: 5th. June 2007.

CORAM:
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

(1) Original Application No. 68/2007

1. Bijendra Kumar Kaushik S/o Sh. Ritiram, aged 53 years, R/o Ist E-192, Jai Narayan Vyas Colony, Bikaner.
2. Jitendra Sharma S/o Sh. Harish Chandra, aged 53 years, R/o 7, Backstreet, New Shivwadi Road, Bikaner.
3. Yunus Ali S/o Sh. Yashin Khan, aged 45 years, R/o Rly Q. No. 264/A, Lalgarh, Bikaner.
4. Mh. Umar Sayed S/o Sh. Sher Mohammad, aged 31 years, R/o Chungarh Mohalla, Bada Bazar, Bikaner.
5. Rakesh Sharma S/o Sh. V.D. Sharma, aged 43 years R/o Pokar quarter No. 107, Bikaner.
6. V.K. Arora S/o Sh. Amarnath, aged 54 years, R/o 113 A, R.P.F. Colony, Bikaner.

All the applicants are working as Ticket Checking Staff in Bikaner Division, DRM Office, N.W. Railway, Bikaner.

...applicants.

Mr. Sanjeet Purohit : Counsel for the applicants.

(2) Original Application No. 69/2007

1. Ashok Sharma S/o Hanuman Prasad Sharma, aged about 50 years, Resident of 205, Sadul Sahar, Bikaner.
2. Rajendra Kumar Verma S/o Sh. Puran Chand Verma, aged abut 41 years, Resident of Ward No. 6, Near Deep Singh Gurudwara, Hanumangarh.
3. Mohd. Umar Khan S/o Abdul Rajak, aed about 50 years, Resident of Pabu Bari, Naya Shahar, Bikaner.
4. Tara Somgj S/o Dilip Singh, aged about 52 years, Resident of Sector-2, Hanumangarh.
5. Rajkumar Sarda S/o Rughlal, aged about 40 years, Resident of 36, Jawahar Nagar, Sriganganagar.
6. Motilal Meena S/o Bhagvana Ram, aged about 39 years, resident of CTI/office, Shri Ganga Nagar.
7. Santlal Mishra S/o Narayan Prasad Mishra, aged about 57 years, Resident of Ramji Colony, Railway Quarter, Sriganganagar.
8. Shashi Mohan S/o Kundanlal, aged about 52 years, Resident of B.G. Colony, Railway Quarter, Sriganganagar.

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9. Brijlal S/o Shri Ratiram, aged about 57 years, Resident of Block-S-97, Sriganganagar.
10. K.K. Jha S/o Lekharam Jha, aged about 55 years, Resident of Opp. Majisa Bari, Bikaner.
11. Kamlesh Shukla S/o Parasnath Shukla, aged about 36 years, Resident of R.P.F. Colony, Rani Bazar, Bikaner.

All the applicants are working as Ticket Checking Staff in Bikaner Division, DRM Office, N.W. Railway.

...applicants

Mr. Kuldeep Mathur : Counsel for the applicants.

(3) Original Application No. 70/2007

1. Mahaveer Singh Rathore S/o Kalyan Singh, aged about 50 years, Resident of TTE/CIT Office Rly. STN, Bikaner.
2. Sushil Kumar S/o Sh. Bhagwati Prasad Mishra, aged about 53 years, Resident of Tyagi Vatika, Near Jail Well, Bikaner.
3. Kamal Sanwal S/o Basant Sanwal, aged about 51 years, Resident of B-5/10, Patel Nagar, Bikaner.
4. Rajendra P. Sharma S/o Parmanand Sharma, aged about 50 years, Behind City Kotwali, Bikaner.

All the applicants are working as Ticket Checking Staff in Bikaner Division, DRM Office, N.W. Railway.

...applicants

Mr. Kuldeep Mathur proxy counsel : Counsel for the applicants
for Mr. D.S. Sodha

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal जोधपुर न्यायपीठ जोधपुर का मोहर

VERSUS

1. Union of India through the General Manager (P), North Western Railway, Headquarter Office, Jaipur.
2. The Divisional Railway Manager, North-West Railway, Bikaner.
3. The Divisional Personnel Officer, North-West Railway, Bikaner.

...Respondents in all OAs,

Mr. Vinay Jain, counsel for respondents in all OAs.

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ORDER

(Hon'ble Mr. Tarsem Lal, Administrative Member)

All these Original Applications involve similar question of facts and law and as such these are being taken up for final decision by a common order. For the facility of reference, the facts have been taken from Original Application No. 68/2007 (Bijendra Kumar Kaushik and others vs. Union of India and others.

2. The applicants have filed the above O.A. against the impugned order dated 15.03.2007 (Annexure A/1) vide which general transfer order have been issued by the respondent-department.

3. The applicants have explained their position as under: -

(i) The applicants are ticket checking staff and through the present O.A., are assailing the validity and propriety of the order dated 15.03.2007 (Annexure A/1) passed by the respondent No. 3 whereby periodical transfers have been ordered.

(ii) The respondent-department is permitted to carry transfers in terms of on promotion, on request, on administrative reasons or under the policy of the periodical transfers. The periodical transfers of the ticket checking staff belonging to sensitive categories have been carried out who were required to be transferred on completion of four years of service on the post.

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(iii) The respondent authorities for regulating the periodical transfers from time to time issued various administrative orders as well as circulars. In this regard, order dated 05.04.1999 were issued by the General Manager, Northern Railway, Headquarter Office, New Delhi whereby it was decided to pend the periodical transfers of some categories of staff including the ticket checking staff.

(iv) The General Manager, Headquarter Office, New Delhi again issued a communication dated 20.04.2000 (Annexure A/3) vide which it has intimated that the periodical transfers are being affected in the category of ticket checking staff and Station Masters.

(v) Another communication dated 20.02.2001 (Annexure A/4) was issued by the General Manager, Headquarter Office, New Delhi, clarifying that with regard to the periodical transfers, the links should be made in such a way that the employees dealing with the public/clients keep changing periodically with individual staff. However, it was clarified that where the change of links is not possible the transfer can be made by change of station. It is clear that the policy of periodical transfers has been made to ensure minimize the chances of favoritisms and corrupt practices in the staff working on a sensitive post. It is, thus, clear that ticket checking staff can be transferred under the periodical transfer policy either by making change in the link of the employee concern and where the change of link is not possible to change the station of the employee concern.

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(vi) The Divisional Personnel Officer, North Western Railway, Bikaner, issued a list of the employees who falls within consideration zone of periodical transfers scheme. He issued a list and asked for objections, if any, vide his letter dated 26.02.2007 (Annexure A/5).

(vii) That the respondent authorities issued order of transfer dated 15.03.2007 (Annexure A/1) in a most arbitrary and discriminatory manner and in violation of administrative orders issued in this regard. The respondent authorities in utter disregard to the periodical transfer scheme have transferred many employees while only changing their duty in the same link and station i.e. sleeper to squad or general or TNCR and vice versa. It is stated that as per the general rule prevailing under the respondent department, the senior persons are to be kept at the same station or nearby and the junior persons are to be transferred to a distant place. However, in the present case various senior persons have been transferred to distant locations while keeping the junior persons on the same stations or link. There are several persons who have been transferred even before completion of 4 years of service on a particular post.

(viii) That rights of the applicants have been adversely affected in the present case. The applicant such as V.K. Arora, Jitendra Sharma and Rakesh Kumar have joined their duties in sleeper class from ACM Squad in the month of October, 2004. Shri Bijendra Kumar Kaushik has also joined his duties in sleeper class from general checking in the

month of Sept. 2005 only. Shri Yunus Ali has joined the duties in sleeper class from commercial control in the month of April, 2004. Even though, without completing the 4 years of duties on the said post, the applicants have been sought to be transferred under the Periodical Transfer Scheme. Apart from the applicants, there are several other persons who have not yet completed 4 years of duties but they have been transferred vide impugned order dated 15.03.2007.

(ix) Various persons having a much longer stay on their respective posts have been kept on the said post but the persons having a lesser stay have been transferred to distant places. The names of few persons were shown in the earlier list dated 26.02.2007 but they were not considered for periodical transfer without any rhyme and reason. Name of few of the persons having much longer stay such as Mr. Sardar Singh (working since 10.02.1989), Mr. Rajnit Singh (working since 10.01.1981), Mr. Roop Singh (working since 17.12.1995), Mr. Abdul Wafa Khan (working since 31.03.1994) and Mr. O.P. Chowhan (working since 11.10.1997) were although, shown in the provisional consideration list dated 26.02.2007 but they have not been transferred through the impugned order dated 15.03.2007.

(x) In spite of the repeated requests being made by the various employees, no steps were taken by the respondent authorities in this regard. In these circumstances, the Divisional Secretary, Uttar Pashchim Railway Karmchari Sangh requested the Divisional Railway Manager, Western

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Railway to arrange the negotiations as the Sangh demanded discussion on some items.

(xi) The transfer order was passed in a most arbitrary unreasonable, discriminatory and unconstitutional manner. The administrative instructions issued with regard to the periodical transfer were specifically ignored while passing the order impugned. In spite of the request being made the respondent authorities have not taken any steps to redress the grievances of the applicants and they are going to give effect to the transfers so made by the order dated 15.03.2007.

4. Aggrieved by the above order dated 15.03.2007 (Annexure A/1), the applicants have asked the following reliefs: -

"8.2 That order impugned dated 15.03.2007 (Annex. A1) may kindly be quashed and set aside.

8.3 The respondents may kindly be directed to implement the periodical transfer scheme strictly in view of the administrative orders and circulars issued on the subject by the respondents themselves from time to time.

8.4 Any other relief, which this Hon'ble Tribunal deems fit and proper in favour of the applicant, may be granted. The Original Application may kindly be allowed with costs and all circumstantial benefits may be granted in favour of the applicant.

8.5 Costs of this application be ordered to be awarded in favour of the applicant."

5. In the reply the respondents have stated that the applicants have filed these applications on the premise that the applicants have been transferred and juniors to them have been retained in violation of the periodical transfer scheme.

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6. That the Hon'ble Supreme Court in number of cases has held that transfer is prerogative of the authorities concerned and court should not interfere unless transfer order is shown to be passed in malafides, or passed in violation of any statutory provision or the authority who has passed the transfer order is not competent to pass the same and the applicants have failed to show any prima facie case in their favour and the O.As are lack of merit and deserves to be dismissed.

7. That the transfer orders were passed as per the circular dated 26.06.2000 issued by the Railway Board and the respondent department is transferring the staff as per the policy decision taken by the Board from time to time and no arbitrary or discriminatory attitude is adopted rather the transfer is made as per the transfer policy. It is also averred that the respondent department is making periodical transfer strictly in accordance with the transfer policy.

8. The respondents have further averred that while passing the order dated 15.03.2007 they have not violated any administrative order and transfer was ordered in respect of persons who could not be adjusted on the station. All the persons who have been transferred have completed four years at the particular station and the same was intimated to the officers concerned vide letter dated 26.02.2007 (Annex. A/5) and objections, if any, were called for upto 05.03.2007 and thereafter only the order dated 15.03.2007 was passed.

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9. It is also stated that for calculating the four year period temporary utilization/adjustment is not considered as a break and since all of them had completed four years they had been transferred and no one who has not completed four years has not been transferred. Accordingly it is stated that the respondents have strictly followed the periodical transfer scheme and persons who have completed four years as on 31.03.2007 have only been transferred.

10. It is also submitted that S/Shri Sardar Singh, Ranjit Singh, Roop Singh and Abdul Wafa Khan have not completed four years service as on 31.03.2007, they were not transferred.

11. It is also stated that the representations submitted by Bijendra Kumar Kaushik and Jitendra Sharma were considered and decided vide order dated 01.05.2007. The respondents have therefore stated that the applicants have no case and the joint applications be not admitted.

12. The respondents have stated that the OAs are not maintainable since the applicants have not availed the alternative remedies and on this ground alone the O.As are liable to be dismissed. The representations submitted by some of them have been considered and orders passed. The respondents have therefore stated that the applicants have no prima facie case and they are unable to show that the balance of convenience lies in their favour and they have not shown that any irreparable injury had been caused to them. They have further stated that the order dated

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15.03.2007 have been rightly passed and prayed for the dismissal of all the three OAs.

13. I have heard the rival arguments advanced on behalf of both the parties. I have also carefully perused the pleadings and records of this case. The learned counsel for the applicants has stated that the case under consideration is relating to transfer of the applicants who were working as ticket checking staff on sensitive assignments. There are no Statutory Rules governing posting and transfers and there are only administrative guidelines issued by the respondents from time to time. In this regard he referred to orders issued by the Head Quarter Officer vide letter dated 05.04.99 (Annex. A/2) dated 05.04.99 wherein it has been mentioned that in the case of ticket checking staff, the links should be made in such a way that the dealing public/clients of Railway keep changing periodically with individual staff. He further referred to the Headquarters office letter of April 2000 (Annex. A/3), emphasizing that the periodical transfer of ticket checking staff should be regulated as per letter dated 05.04.1999 (Annex. A/2).

14. The learned counsel for the applicants also referred to the orders issued by the Headquarters office letter dated 20.02.2001 (Annex. A/4), wherein it has been stated that the periodical transfer of staff on sensitive posts i.e. ticket checking staff other than ticket collectors, the link should be made in such a way that the dealing public/clients of the Railway keep changing periodically with individual staff. This need not involve change of station. He

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averred that the instructions issued vide Annex. R/1 are not applicable to the applicants and the instructions issued by the Head Quarters, Northern Railway vide letter dated 20.02.2001 (Annex. A/4) are only applicable.

15. The learned counsel further stated that a provisional list of employees for periodical transfer was issued by the North West Railway, Bikaner Division on 26.02.2007 (Annex. A/5), vide which objections were invited from the individuals. He stated that some of the applicants have submitted their objections, but they were not addressed/decided before passing the impugned order on 05.03.2007. The representations made by applicants were rejected vide letter dated 01.05.2007, whereas the impugned order is dated 15.03.2007. He pleaded that number of persons have been posted where link stations have been changed and therefore the impugned order is not sustainable. He also submitted that in some cases, transfer order was issued before completion of 5 years and therefore the impugned order may be quashed. In this connection, he relied on the following judgements.

16. In the case of **Asu Singh vs. State of Rajasthan** [1983 (3) SLR 783] a single Judge of the Hon'ble High Court of Rajasthan has held as under:

> " Once the administrative instructions or the executive orders are passed to lay down guidelines for doing a particular act, it would not be open to the State to say that it may or may not follow those guidelines or instructions. True it is that, in certain matters the guidelines cannot or need not be strictly followed for certain reasons. But if there is no such reason then any act in disregard to those instructions can be challenged and would be open to scrutiny by courts. "

17. The learned counsel for the applicants also referred to the case of **N.K. Singh vs. Union of India and others** [1994 SCC (L&S) 1304, wherein the Hon'ble Apex Court has held that judicial

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review in transfer cases is possible only in cases of malafides or infraction of any professed norm or principle has taken place.

18. The learned counsel for the applicants pleaded that the applicants are not against transfers but they are objecting to the arbitrary and malafide manner in which the impugned order has been passed. Therefore, he prayed for the setting aside of the impugned order of transfer dated 05.03.2007.

19. The learned counsel for the respondents pleaded that the general transfer order dated 15.03.2007 has been issued in accordance with the guidelines issued by the Head quarters office from time to time. He further pleaded that the Apex Court has held in number of cases that the Courts and Tribunals may not interfere in the transfer matters unless, the same is issued with malafide intention or where the order has been issued by an authority who is not competent or wherein the statutory orders have been violated . In this regard he referred to the case of **State of UP and Others vs. Gobardhan Lal and D.B. Singh vs. D.K. Shukla and others** reported in 2004 (3) SLJ 244 = 2005 SCC (L&S) 55, wherein the Hon'ble Apex Court has held as under: -

"6. It is too late in the day for any Government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the Competent Authority to transfer a particular officer/servant to any place in public interest and as is found

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necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.

20. The learned counsel also relied on the case of **Union of India and others vs. Janardhan Debnath and another** [(2004) (4) SCC 245],wherein the Apex Court has held as under:

" 14. The allegation made against the respondents are of serious nature, and the conduct attributed is certainly unbecoming. Whether there was any misbehaviour is a question which can be gone into in a departmental proceeding. For the purpose of effecting transfer, the question of holding an enquiry to find out whether there was misbehaviour or conduct unbecoming of an employee is unnecessary and what is needed is the prima facie satisfaction of the authority concerned on the contemporary reports about the occurrence complained of and if the requirement, as submitted by learned counsel for the respondents, of holding an elaborate enquiry is to be insisted upon the very purpose of transferring an employee in public interest or exigencies of administration to enforce decorum and ensure probity would get frustrated. The question whether the respondents could be transferred to a different division is a matter for the employer to consider depending upon the administration necessities and the extent of solution for the problems faced. The judgement of the High Court is clearly indefensible and is set aside. The writ petitions file before the High Court deserve to be dismissed which we direct. The appeals are allowed with no order as to costs."

21. The learned counsel for the respondents pleaded that a provisional list transferees dated 26.02.2007 (annex. A/5)was issued asking for objections from the concerned staff. They were requested to submit their objections by 05.03.2007. He explained that no objections, whatsoever, were received from any of the applicants before the transfer orders dated 15.03.2007 were issued. He referred to Annex. R/2 and contended that the representation submitted by two applicants namely, Mr. Bijender Kumar Kaushik and Jitender Sharma were dated 25.03.2007 and 19.03.2007 respectively, which were submitted after the issuance of the transfer orders and have since been replied to on 01.05.2007. He laid stress

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that these representations were submitted much after 05.03.2007, the last date prescribed for inviting objections.

22. He further contended that the transfers have been effected where the individual has completed 4 years of stay. In this regard he invited my attention to Annex. A/5, wherein the names of ticket checking staff who are come under purview of periodical transfer have been mentioned. The names of applicants in O.A. No. 68/2007 are figuring in that list as under:

Sl. No.	Sl. No. in the list dated 05.03.2007	Name	Station	Date from which working
1.	32	Bijendra Kumar Kaushik	Bikaner	31.08.94
2.	38	Jitendra Sharma	Bikaner	June 2001
3.	64	Unis ali	Bikaner	August 1999
4.	71	Mohd Umar AR	Bikaner	26.02.1993
5.	97	Virendra Kumar Arora	Bikaner	18.02.2001
6	106	.Rakesh Kumar Sharma	Bikaner	02.01.2001

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By inviting my attention to the above table, the learned counsel for the respondents submitted that since all the applicants have completed more than 4 years as on 05.03.2007, they were transferred and no individual, who has not completed, four years of stay at a particular station has been transferred.

23. The learned counsel also referring to HQ letter dated 20.02.2001, submitted that in the said letter it has been stated that when the change of links is not possible, the transfer can be made by change of station. He also submitted that since in this case large

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number of employees have been transferred under periodical transfers, it was not possible to carry out the transfer at the same station and in certain cases stations have also been changed. The learned counsel submitted that all the individuals mentioned in the list have completed four years.

24. He also explained that since Shri Ranjit Singh, Shri Roop Singh, Shri Abdul Wafa Khan have not completed four years they are not coming under the purview of periodical transfer scheme and the department has not shown favour to any one and acted strictly in accordance with the rules. He pleaded that the transfer order has been issued with utmost care and the same is genuine and bona fide one and in order maintain the smooth functioning of the Railway services.

25. He also pleaded that there is no mala fide or arbitrariness in issuing the transfer order. The applicants have vaguely stated that the transfer order has been issued in an arbitrary and mala fide manner and they have not pointed out as to who has acted in a mala fide manner. He averred that the applicants cannot merely say that orders are mala fide, but they have to prove the same. The learned counsel therefore, submitted that the OAs are devoid of any merit the and they be dismissed.

26. I have gone through the judgements cited on behalf of both the parties. The Apex Court has held right from the case of **E.P. Royappa v. State of T.N.**, (1974) 4 SCC 3, and observed that till

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today, exigency of service is kept at a higher pedestal than the individual convenience of the incumbent and held that

> "So long as the transfer is made on account of the exigencies of administration and is not from a higher post to a lower post with discriminatory preference of a junior for the higher post, it would be valid and not open to attack under Articles 14 and 16."

27. In the case of **Shilpi Bose (Mrs) v. State of Bihar** reported in 1991 Supp (2) SCC 659, their Lordships of the Hon'ble Apex Court held as under:

> **"4.** In our opinion, the courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders.

28. In **Union of India vs. S.L. Abbas** [(1993) 4 SCC 357 at page 359 para –7, the Supreme Court observed that :-

> "7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration."

29. A similar view has been taken by the Supreme Court in **National Hydroelectric Power Corporation Limited vs. Shri Bhaghwan** [2001 (8) SCC 574, wherein at para 5 at page 577 it was held that:

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"No Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to class or category of transferable post from one place to another is not only an incident but a condition of service, necessary too in public interest and efficiency in public administration" Unless an order of transfer is shown to be an outcome of mala fide exercise of power or stated to be in violation of statutory provision prohibiting any such transfer the courts or the Tribunals cannot interfere with such orders as a matter of routine, as though they are the appellate authorities substituting their own decision for that of the management, as against such orders passed in the interest of administrative exigencies of the service concerned.

30. In **State of M.P. and another vs. S.S. Kourav and others** [(1995) 3 SCC 270], the Supreme Court observed that :

" The Courts or tribunals are not the appellate forums to decide on transfers of officers on administrative grounds; the wheels of administration should be allowed to run smoothly and the courts or tribunals are not expected to interdict the working of the administrative system by transferring the officers to proper places; it is for the administration to take appropriate decision and such decisions shall stand unless they are vitiated either by mala fide or by extraneous consideration without any factual back ground foundations."

31. Again the Hon'ble Supreme Court in **State of UP and another vs. Siya Ram and another** [(2004) 7 SCC 405] where the respondents therein was transferred on administrative grounds, has observed thus:

5.The High Court while exercising jurisdiction under Articles 226 and 227 of the Constitution of India had gone into the question as to whether the transfer was in the interest of public service. That would essentially require factual adjudication and invariably depend upon peculiar facts and circumstances of the case concerned. No government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is shown to be an outcome of mala fide exercise or stated to be in violation off statutory provisions prohibiting any such transfer, the courts or the tribunals normally cannot interfere with such orders as a matter of routine, as though they were appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the interest of administrative exigencies of the service concerned. This position was high lighted by this Court in National Hydroelectric power Corporation Ltd. Vs. Shri Bhagwan.

6.The above position was recently highlighted in Union of India vs. Janardhan Debanath. It has to be noted that the High Court proceeded on the basis as if the transfer was connected with the departmental proceedings. There was not an iota of material to arrive at the conclusion. No mala fides could be attributed as the order was purely on administrative grounds in public interest. "

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32 It is noticed that the respondents issued a provisional list of transfer dated 26.02.2007 and objections were called for from the individuals upto 05.03.2007. It is clear from the records that the applicants have not submitted any objections till the last date i.e. upto 05.03.2007. Two applicants i.e. S/Shri Bijendra Kumar Kaushik and Jitender Sharma submitted their objections that too belatedly on 25.03.2007 and 19.03.2007 and the same have been since replied on 01.05.2007. Thus it is clear that the objections were submitted much after the issuance of impugned order dated 15.03.2007(Annex. A/1).

33. The learned counsel for the respondents has emphatically pleaded that the periodical transfer order has been issued in respect of persons who have completed four years stay at a particular station. He further submitted that no official who has completed four years in a station has been spared.

34. The Apex Court has time and again held that if the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest.

35. In view of the above discussions, it is clear that the impugned General Transfer orders dated 15.03.2007 (annex. A/1) were issued in accordance with the policy guide lines issued by the Headquarters

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Office, Northern Railway, Baroda House New Delhi from time to time. Before issuing the final transfer orders, a provision list of transfer dated 26.02.2007 was issued inviting objections, if any, from the concerned individuals upto 05.03.2007. None of the applicants had submitted any representations or objections upto the prescribed dated 05.03.2007 and date of orders of transfer upto 15.03.2007. All the individual included in the transfer have completed four years of stay upto 31.03.2007 at a particular station. No body who has completed four years stay at a particular station has been spared.

36. As in these cases no malafides have been proved and no statutory rules are violated, all the OAs are devoid of merit and they are dismissed with no order as to costs.

Tarsem Lal

(Tarsem Lal)
Administrative Member.

Jsv./nlk

Part II and III destroyed
in my presence on 03-6-14
under the supervision of
section officer (J) as per
order dated 06/3/14

Section officer (Record)

Recd. Copy

6/6/2007.

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