

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00205/14

Reserved on : 12.04.2016

Jodhpur, this the 22nd day of April, 2016

CORAM

Hon'ble Ms Praveen Mahajan, Admn. Member

Praveen Kumar Vyas S/o Shri Nawal Kishore Vyas, age 48 years, by caste-Brahmin, R/o 238, Marudhar Colony, Pawan Puri, Bikaner at present working as Weight Lifting Coach at Sports Coaching Centre (SCC), Bikaner under the control of respondents No. 4 i.e. District Sports Officer, Regional Sports Coaching Centre, Dr Karni Singh Stadium, Bikaner.

.....Applicant

By Advocate: Mr Nitin Trivedi.

Versus

1. The Union of India through the Director General, Sports Authority of India (SAI), Jawahar Lal Nehru Stadium, New Delhi.
2. Director (Coaching), Sports Authority of India, Head Office, Jawahar Lal Nehru Stadium, New Delhi.
3. Dy. Director, Sports Authority of India, Netaji Subhash Western Centre, Gandhinagar, Gujarat.
4. District Sports Officer, Regional Sports Coaching Centre, Dr Karni Singh Stadium, Bikaner.

.....Respondents

ORDER

The case was listed today. The learned proxy counsel appearing on behalf of Shri Nitin Trivedi stated that he is not well aware of the facts and the matter may be passed over. Counsel for the respondents stated that it is a case of 2014 and being a transfer matter and keeping in view the fact that interim order is in operation, this may be taken up urgently.

2. Subsequently, Shri Nitin Trivedi appeared and the case was argued and heard at length. The learned counsel for the applicant stated that the transfer of the applicant is totally unjust and unfair. He stated that as per the order dated 01.05.2014, 53 Coaches were transferred to different places. Immediately thereafter, in less than two weeks' time, another order dated 15.05.2014 was issued whereby transfer orders of 10 other people were cancelled. In some cases, status quo was maintained and others were posted to nearby places. The transfer order of the applicant remained unchanged. He further submits that request of the applicant was not considered for extraneous and malicious reasons. The learned counsel requested that the respondents should be directed to accommodate the applicant at a nearby place from where he can travel to Bikaner to look after his ailing parents and family. He also alleged mala-fide on the part of the respondents in

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transferring the applicant from Bikaner to Aizawl which is at a distance of 3600 Kms from his native place.

3. On the other hand, the learned counsel for the respondents contended that the Department has been accommodating the applicant at various points of time ever since he joined the Department, hence it would be totally unfair to allege mala-fide on part of the respondents, qua the applicant. Earlier, the applicant has been given transfer of his choice from Tamilnadu to Muzaffer Nagar and then from Gandhi Nagar, Gujrat to Jaipur and finally to Bikaner. It was also brought to my notice that out of the total 53 candidates transferred out in the impugned order, nearly 33 have already joined their places of posting. Those whose request has been considered by the respondents, have done hard postings earlier.

4. I have gone through the facts of the case and heard the learned counsels from both sides, very carefully. I am inclined to agree with the respondents that it is totally unfair to allege any kind of mala-fide on the part of the respondents, qua the applicant. Going by the career record and history of postings of the applicant, I find that the respondents have made efforts to adjust him, as far as possible, as per his choice, closer to his

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and had sufficient time to tide over his family problems. There is nothing to suggest that the applicant has been singled out or victimised in any manner. His grievances in the past have always been considered sympathetically by the respondents.

5. It is the settled position of law that transfer of a public servant should not be interfered with unless there are strong and pressing grounds. The applicant was holding a transferable post and was liable to be transferred from one place to another. Ho'ble the Supreme Court in a catena of judgments has held that an employee has no legal right to insist for posting at a place of his choice.

6. I, therefore, hold that the applicant should be posted to the place to which he has been transferred. The grounds of relief granted to him in June, 2014 do not exist any more. His parents, with the grace of God, have recovered from the heart ailments and require only routine check-ups. It is on account of his competence that he has been posted to Aizawl where there is an urgent requirement of Weight Lifting Coach. His experience in coaching would certainly help and promote the budding players of far flung areas like Aizawl, which otherwise remain neglected.

Respondents have a duty to reach out to such remote areas and

tap the potential of youth which otherwise remains dormant without proper guidance.

7. In view of above, I find that the present OA is devoid of merit. The applicant is directed to obey the orders of the respondents and should join Aizawl where he has been transferred under the impugned order.

The OA is thus dismissed. No costs.

The interim direction issued on 02.06.2014 stands vacated.


(PRAVEEN MAHAJAN)
Administrative Member

R/