

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 452 OF 2010

Friday, this the 11<sup>th</sup> day of June, 2010

**CORAM:**

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. N.Girija  
U D Clerk  
Passport Office,Kozhikode
2. P.Vinodini  
U D Clerk  
Passport Office,Kozhikode
3. P.Sivarani  
U D Clerk  
Passport Office,Kozhikode
4. P.Remadevi  
U D Clerk  
Passport Office,Kozhikode

... Applicants

(By Advocate Mr.P.Santhosh Kumar )

versus

1. Union of India represented by the secretary  
Ministry of External affairs  
Government of India  
New Delhi
2. Joint Secretary (CPV) and  
Chief Passport Officer  
Ministry of External Affairs  
New Delhi
3. Regional Passport Officer  
Eranjipalam P.O  
Kozhikode  
(By Advocate Mr.Sunil Jacob Jose, SCGSC) Respondents

The application having been heard on 11.06.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The applicants have filed this OA challenging Annexure A-1 transfer order. The main grounds urged in the OA is that the spouses of each applicants are working at the stations from where the applicants have to be ordered for

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transfer and if so, the transfer is made against the guidelines issued and followed by the Department. Further case of the applicants is that they have got children of younger ages and their education will be affected or perilled if the transfer is made at this time. Another ground is that all the transfers now evidenced by Annexure A-2 ordered by the same authority have been given a go back by the present transfer order. In Annexure A-2 transfer order the names of the applicants were not found any place, which transfer is made in April, 2010, there is no reason for making a change by Annexure A-1.

2. We have issued notice the respondents. Mr Sunil Jacob Jose, counsel appearing for the respondents filed a reply and it is stated that the stand taken and the grounds urged are baseless and not to be interfered in the transfer orders passed by the Department . Further in the reply statement, it is stated that the applicants were not transferred as per Annexure A-2 because there were mistakes committed in Annexure A-2 regarding the seniority position of UDCs. As per Annexure A-2 only juniors were transferred and that was set aside in Annexure A-1 transfer of the applicants. Apart from that it is a case of the respondents that even the guidelines are issued by the Department, it cannot be said that guidelines should be followed strictly as the guidelines are only guiding factors and have no legal force.

3. We have heard Mr.P.Santhosh Kumar, counsel for applicant and Mr.Sunil Jacob Jose, counsel for respondents and perused the documents produced before us. Transfer being an incident of service, no Tribunal or Court is permitted to interfere with such matters unless it is vitiated by malafides or any other humanitarian grounds. In this view we have seen that the applicants are seniors to some of the names appeared in Annexure A-2. Hence the correction in Annexure A-1 is on the basis of the station seniority of the applicants. Apart from that the grounds urged in the OA regarding the grounds is

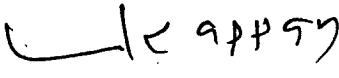


that the guidelines are violated by the Department on the reason that all the spouses of the applicants are working in Calicut including Rubber Board, a Government of India Undertaking. We have gone through the entire case and we have seen that three of the spouses are working in private institutions. We are not inclined to accept such a ground for interference. As per the applicants whose spouse is working in Rubber Board, we have seen that the distance now ordered by the transfer, from Calicut to Malappuram is only 56 kms or otherwise, it is a journey of two hours. If so, any hardship in the OA are not sustainable. That apart the working of Passport Office is only five days a week and there is no reason for sufferance of the family.

4. In the above circumstances the transfer is not liable to be interfered by us. OA stands dismissed. No order as to costs.

Dated, the 11<sup>th</sup> June, 2010.

  
K GEORGE JOSEPH  
ADMINISTRATIVE MEMBER

  
JUSTICE K. THANKAPPAN  
JUDICIAL MEMBER

vs