

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 534 of 2000

Wednesday, this the 24th day of May, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. Elsy Thomas, W/o K.K. Thomas,
Working as Assistant,
Regional Passport Office,
Panampilly Nagar, Kochi-36,
residing at House No. 895/III,
Chembumukku North,
Bharatha Matha College PO,
Cochin-682 021.

..Applicant

By Advocate Mr. M.R. Rajendran Nair

Versus

1. Union of India represented by the
Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
2. The Joint Secretary (CPV) &
Chief Passport Officer,
Ministry of External Affairs, New Delhi.
3. The Regional Passport Officer,
Regional Passport Office,
Panampilly Nagar, Kochi.

Respondents

By Advocate Mr. Govindh K. Bharathan, SCGSC

The application having been heard on 24th May 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant working as Assistant in the Regional Passport Office, Panampilly Nagar, Kochi, is one among many who were transferred as per a general transfer order dated 5th April, 2000 (A1). She was transferred from Kochi to Trichy. The applicant as also many others who were transferred by the order A1 made representations for retention in the places

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where they are working. The representations were considered and an order dated 10-5-2000 (A2) was issued, whereby the requests of 10 officials for retention were acceded to on grounds stated against their names and the requests of the remaining were not acceded to. The applicant's request was not acceded to. Aggrieved by that, the applicant has filed this application for setting aside A1 and A2 in so far as it relate to the applicant and for a direction to the respondents to permit the applicant to continue at Kochi or alternatively at Thiruvananthapuram or Calicut. A further relief is also prayed for to direct the respondents to pass a speaking order on the representation (A3).

2. It is alleged in this application that the applicant's daughter is studying in 12th standard, that if the applicant is transferred in the midst of the academic year the education of her daughter would be spoiled, that the applicant's mother is old and sickly requiring constant care, that her husband is working abroad, that the applicant is suffering from heart disease requiring periodical check ups and medication, and that the representation mentioning all these facts has not been properly considered by the competent authority while passing the impugned order A2.

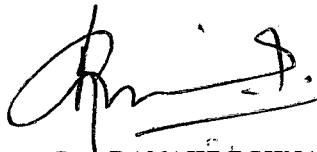
3. On a careful scrutiny of the application and appended records and on hearing the learned counsel on either side, we find little scope for admission of this application. The annexure A1 order is a routine order of general transfer. When officials who were transferred made representations projecting their difficulties for retention at the places of their postings, the competent authority considered their

requests and issued annexure A2 order acceding to the requests of some while not acceding to the requests of the others. Sri MR Rajendran Nair, the learned counsel of the applicant argued that the annexure A2 order does not contain the reasons as to why the applicant's request could not be acceded to while requests of others have been granted and that this clearly shows that there was no application of mind. We do not find any way to accept this argument. While taking a decision on the requests of many officials for cancellation of transfer, the competent authority would consider the comparative hardship of the individuals as also the administrative feasibility. On such considerations the competent authority has in this case issued the annexure A2 order. True, no specific reason is stated as to why the requests of the officials including the applicant could not be acceded to. That, according to us, is not an infirmity in a routine administrative order like annexure A2. It is neither obligatory or practicable to explain each and every requests and to conclude why requests of certain individuals should be acceded to while that of other would be declined. If it was a quasi judicial order, then reasons should have been stated. We therefore do not find anything wrong with either annexure A1 order or A2 order to justify judicial intervention. School going children, old parents, physical ailments and absence of husband in station are all personal matters. Pitted against public interest, personal convenience will have to yield. Transfer being an incident of service, no officer can claim retention in a station as of right. In the absence of an

allegation of malafides or total arbitrariness, judicial intervention in routine administrative matters like transfer and posting cannot at all be justified.

4. In the light of what is stated above, we do not find it proper to entertain this application and therefore we reject the same leaving the parties to suffer their costs.

Wednesday, this the 24th day of May, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in this Order:

1. A1 - True copy of the Order No. V.IV/584/3/99 dated 5-4-2000 issued by the 1st respondent.
2. A2 - True copy of the Order No. V.IV/584/3/99 dated 10-5-2000 issued by the 1st respondent.
3. A3 - True copy of the representation dated 11-4-2000 submitted by the applicant to the 2nd respondent.