

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 55/99

Wednesday, this the 9th day of June, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

N. Janardhanan Pillai,
S/o. R. Narayana Pillai,
1/684, Noccoor, Koduvayoor P.O.,
PIN-678 501, Palakkad District.

...Applicant

By Advocate Mr. P. Sanjay

Vs.

1. General Manager (Telecom),
Palakkad, PIN-678 014.
2. The Assistant General Manager,
(Administration), Telecom,
Palakkad, PIN-678 014.
3. The Sub Divisional Engineer (Telecom),
Koduvayoor, Palakkad, PIN-678 503.
4. A.V. RamaSwamy,
Assistant General Manager (Admn),
Telecom, Palakkad.

...Respondents

By Advocate Mr. Govindh K. Bharathan, SCGSC for R1-3

The application having been heard on 9.6.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

This application is directed against an order dated 1.1.99 of the second respondent by which the applicant who was working as Senior Telecom Operating Assistant (P), Office of the Sub Divisional Engineer, Koduvayoor was transferred and posted to Nenmara under the control of the Sub Divisional Engineer, Nenmara while Mr. Mohammed Ismail, Telecom Mechanic, Stores, Koduvayoor was transferred to Meenakshipuram under the control of the Sub Divisional Engineer, Koduvayoor. It is alleged in the application that there are persons belonging to

two different unions in the office, that complaints of irregularities and corrupt practices occurring in the office were being brought to the notice of the competent authority, that there has been an instance where a teak tree standing in the compound of the Koduvayoor Exchange was stolen, that the applicant was aware of the names of persons who committed the theft, that when complaints of irregularities and corrupt practices were brought to the notice of the administration, without caring to have a proper enquiry held into the matter, the applicant who brought to surface these irregularities is victimised by the order of transfer. The applicant has, with the above allegations sought to have the impugned order set aside.

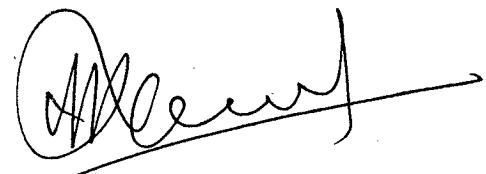
2. The respondents in their reply statement have admitted that there have been complaints of various irregularities regarding shifting of Telephones unauthorisedly, removal of teak trees from the compound dishonestly, etc. and that enquiry into these irregularities and mal practices are pending. However, the impugned action in transferring the applicant is sought to be justified on the ground that having come to know that there is group rivalry between one Suresh, Mohammed Ismail and the applicant, it was considered necessary in public interest to transfer these people and that was how the applicant was transferred to Nenmara. It has been pleaded that as there is no mala fides at the root of the order and as no Statutory Rule has been violated, the Tribunal may not interfere in the matter.

3. Giving the facts and circumstances emerging from what my anxious consideration is pleaded in the case, and on hearing the learned counsel on either side, I do not find that this is a fit case where the Tribunal should intervene in the matter of transfer of the applicant. I do not say that the allegations made by the

applicant regarding mal practices and irregularities do not have substance. It appears that there had been some irregularities because that was why the respondents themselves have initiated action. However, that is no reason to claim that the applicant should be retained in the same station always. If on an assessment of the fact situation, the competent authority felt that it would be advisable in public interest to shift the applicant as also the other two people involved in the issues to different places, the Tribunal cannot say that the action is unwarranted or improper. It is the competent authority in the Department who should decide which official should be deployed to work in which place within the permissible parameters to suit the exigencies of service and public interest. In the facts and circumstances, I am of the view that the impugned order of transfer has been issued by the competent authority after due consideration of the situation and in public interest and that no interference is called for especially when there is no allegation that the applicant has been subjected to any hardship on account of the order of transfer.

4. The application is therefore dismissed. If the applicant finds any difficulty in the place of his posting, it is open for him to seek a posting to a convenient station which the competent authority would consider and issue appropriate orders.

Dated this the 9th day of June, 1999.



A.V. HARIDASAN
VICE CHAIRMAN