

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.563 of 1995

Thursday, this the 27th day of April, 1995.

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR S P BISWAS, ADMINISTRATIVE MEMBER

T S Thankammal,
Inspector of Central Excise,
Karippoor Airport, Kozhikode.

...Applicant

By Advocate Mr K Ramakumar.

Vs

1 Union of India rep. by Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.

2 Collector of Central Excise & Customs,
Central Revenue Building,
I S Press Road,
Cochin-18.

...Respondents

By Advocate Mr S Radhakrishnan, Addl.CGSC.

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A-3 order by which she is transferred from Karippur (Air Customs) to Mavoor (Range). Mavoor and Karippur are almost equidistant from Calicut. Applicant had earlier moved this Tribunal challenging her transfer during the middle of the year to Tripunithura. We directed respondents:

" to hold the order of transfer in abeyance till 15.4.1995. Thereafter, the "order will take effect ..."

(OA 36/95)

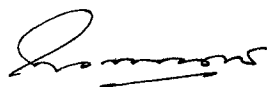
2 Applicant would argue that the earlier order of transfer, cancelled by A-3 should take effect. She wants to be transferred to Tripunithura. The earlier order was cancelled by the Department and the impugned order was issued. Our order in OA 36/95 does not place any

...Contd.

restriction on the powers available to the administrative authority to cancel an order of transfer. We directed that the order be held in abeyance and observed that it will take effect as that was the only order in force. That cannot be treated as a direction to implement it. It is for the administrative department to vary or cancel an order of this nature. We may also notice that in matters of transfer an employee has no legally enforceable right. The Court cannot go into the hardships of a case and modulate orders (See State of Madhya Pradesh & Ors Vs. Sri SS Kourav & Ors - JT 1995 (2) SC 498).

3. We dismiss the application. The dismissal of the application will not stand in the way of the Department from considering A-4 representation. No costs.

Dated the 27th April, 1995



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

Annexure A3:- True copy of the order No.74/95 dated
17.4.1995 issued from the Office of the
2nd respondent

Annexure A4:- True copy of the representation submitted
by the applicant before the 2nd respondent
dated 23.3.1995.