

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 580/2000

Wednesday the 31st day of May, 2000.

CORAM

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

M.P.Chotty
S/o Late Kalamban Painkan
Deputy Director
Employees State Insurance Corporation
Regional Office
Trichur.

Applicant.

By advocate Mr V.N.Ramesan Nambisan

Versus

1. The Union of India, represented by
the Secretary to Government
Ministry of Labour, New Delhi.
2. The Director General
Employees State Insurance Corporation
Panchdeep Bhavan, Kotla Road
New Delhi.
3. N.Parasuram
The Regional Director
ESI Corporation, Regional Office, Swaraj Round
Trichur.
4. S.V.Krishna Kumar
Deputy Director
ESI Corporation, Regional Office
Ahamedabad.

Respondents

By advocate Mr P.V.Ajaykumar, ACGSC

The application having been heard on 31st May, 2000,
the Tribunal on the same day delivered the following:

O R D E R

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

Applicant who has been working as Deputy Director,
Employees State Insurance Corporation, Regional Office,
Trichur, has been, as part of a general transfer by order
dated 24-5-2000 (Annexure A-1), transferred to Gujarat. The
applicant has filed this application seeking to have the A-1

impugned order of transfer set aside to the extent it affects him. It is alleged in the application that the applicant had made a complaint to the Financial Commissioner, Headquarters Office, ESI Corporation, New Delhi alleging irregularities and harassment by the third respondent and that the impugned order of transfer is in retaliation of the above complaint. It has also been alleged that the applicant's wife is an employee under the State of Kerala stationed at Trichur, that as per the policy of the Government, to the extent possible, employee spouses should be posted at the same station and that by the impugned order this guideline has been violated.

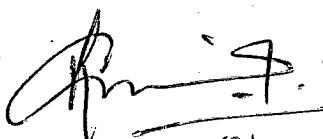
2. Applicant aggrieved by the order of transfer made a representation to the Minister of Labour (Annexure A-3). Aggrieved by the impugned order of transfer the applicant has filed this application for setting aside the impugned order to the extent it affects him.

3. We have perused the application and the annexures appended thereto and have heard Mr V.N.Ramesan Nambisan, the learned counsel of the applicant and Mr P.V. Ajaykumar, the learned counsel for respondent No.2. Apart from stating that the impugned order of transfer is in violation of the transfer norms, that the employee spouses should be accommodated at the same station to the extent possible and that the order is issued in retaliation of the complaint made by the applicant against the third respondent, there is no allegation of malafides against the authority who issued the order of transfer, namely the second respondent. That the applicant

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has made a complaint against the 3rd respondent is no reason for the second respondent, the Director General of ESI Corporation, to transfer the applicant. The impugned order of transfer is not one by which the applicant alone is transferred but it is part of the general transfer. Transfers and postings of officials are made by the competent authority taking into account the administrative needs and suitability of officials to be deployed in different places. Unless there is serious allegations of malafides, the Tribunal would not be justified in interfering in such matters. In this case, we do not find any justification for entertaining this application. The application is therefore rejected under Section 19 (3) of the Administrative Tribunals Act, 1985. No order as to costs

Dated 31st May, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.



A. V. HARIDASAN
VICE CHAIRMAN

Annexures referred to in this order:

A-1: True copy of the office order No.270/2000 dated 24-5-2000 issued by the 2nd respondent.

A-3: True copy of the representation dated 29-5-2000 submitted by the applicant.