

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.77/2000

Friday this the 21st day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

T.Purushothaman,
Senior Auditor,
PAO (ORS), DSC,
Cannanore.Applicant

(By Advocate Mr. V.G.Sankaran/P.Ravindran)

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1. The Comptroller General of Defence Accounts, Administrative Section R.K.Puram, New Delhi.
2. The Controller of Defence Accounts, A.N.Section, Teynampet, Chennai.18.
3. Pension Accounts Officer, PAO (ORS), Cannanore.18.
4. Union of India represented by its Secretary, Defence Department, New Delhi.Respondents

(By Advocate Mr.Govindh K Bharathan,SCGSC)

The application having been heard on 21.1.2000, the Tribunal on the same day delivered the following:

O R D E R

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

This application is directed against the order dated 4.1.2000 (A7) by which the applicant's representation dated 14.7.99 requesting for a transfer to Trichur has been turned down. The applicant states that while he was transferred from Trichur to Cannanore persons who had longer stay than him in the station were not transferred, that his transfer to Cannanore was unjustified and that therefore, the respondents were bound

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to consider his request for transfer back to Trichur. The action on the part of the respondents in not acceding to his request according to the applicant is arbitrary, irrational and unjustified. With the above allegations, the applicant has filed this application for setting aside the impugned order A7 and for a direction to the respondents to transfer the applicant as Sr.Auditor to DPDO, Trichur forthwith and also to pass orders on A6 representation afresh in accordance with the norms prescribed for transfer.

2. We have perused the application and the annexures appended thereto and have heard the learned counsel appearing for the applicant as also the Sr.C.G.S.C. appearing for the respondents. It is well settled by now that an employee holding a transferable post has no indefeasible right to claim transfer and posting to a particular place or to a particular post. Transfer is an incident of service. The competent authority in the department may decide which employee is to be deployed to work in which station. Judicial intervention in such matters can be justified only if the power has been exercised with ulterior motive or to achieve purposes for which the power has not been conferred or if the order is vitiated by malafides. The request of the applicant for transfer back to Trichur has been considered by the competent authority. Having found that it was not feasible to do so, the applicant has been by the impugned order told that the competent authority did not find it possible to accede to his request. We do not find anything in this matter which calls for judicial intervention. Hence the application is dismissed in limine. No order as to costs.

Dated the 21st January, 2000

J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to:

Annexure.A6: True copy of the representation submitted by the applicant before the respondent dated 14.7.99.

Annexure.A7: True copy of the order of the third respondent received by the applicant dated 4.1.2000.

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