

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.9 of 1994

Wednesday this the 5th day of January, 1994.

CORAM

The Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

The Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

K. N. Vijayakumaran Nair,
Telephone Operator,
Trunk Exchange,
Tiruvalla.

...Applicant

(By Advocate Mr. Sasidharan Chempazhanthiyil)

VS.

1. Assistant Engineer,
Trunks and Carrier, Tiruvalla.
2. Telecom District Engineer,
Tiruvalla.
3. Chief General Manager, Telecom
Kerala Circle, Thiruvananthapuram.
4. Director General, Telecommunication
Department, New Delhi.
5. Union of India, represented by
its Secretary,
Ministry of Communications,
New Delhi.

....Respondents

(By Advocate Mr. S. Krishnamoorthy, Addl. CGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

Applicant challenges Annexure A3 order, by
which he was:

"transferred and services of TOs (Telephone Operators) was urgently required in the other stations for attending meter reading...."
(emphasis supplied)

2. Learned counsel for applicant would submit that when ordering the transfer the norms in Annexure A7 have been violated. According to him the junior most is to be transferred first. Annexure A7 itself makes clear that:

"the length of stay of official at the station would be the criterion" i.e., the official with longest stay would be transferred first."

(emphasis supplied)

3. It is admitted that applicant is transferred to a post in the same scale and that he would remain at the same station. Even so, he would submit that violation of Annexure.A4 would vitiate the order. We have already noticed that transfer can be made on the ground of longest stay. That apart Annexure.A4 is only an administrative order/circular and there is no warrant to treat it as a statutory instrument. Applicant has not suffered any injury, much less any injury, known to law. Applicant has not pointed out any legal right either, which he seeks to enforce. Unduly sensitised approaches or solely self-centered attitudes cannot be countenanced in these areas. We would also remind ourselves about the observations of the Apex Court in S.L.Abbas Vs. Union of India and others, AIR 1993 SC 2444. The Court observed:

"who should be transferred where, is a matter for the appropriate authority to decide. Unless the order is vitiated by malafides or is in violation of any statutory provision, the Court cannot interfere. The guidelines, however, does not confer upon a Government servant a legal enforceable right."

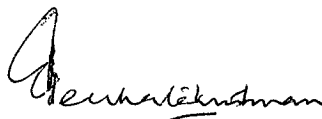
(emphasis supplied)

4. Counsel would submit that the subordinate officers are bound to follow the instructions of the Director General. However it is not our responsibility to enforce the orders of the Director General of an administrative character. If the subordinates do not abide by the orders of the superior, it is for the

superior to maintain discipline in his department
by appropriate means.

5. The application is without any merits. We
dismiss the same but without costs.

Dated the 5th day of January, 1994.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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