

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.335/95

Friday this the 17th day of March, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

T.G.Mukundan,
Account Office(Cash),Driver,
Office of the General Manager, Telephones,
Catholic Centre,
Broadway, Cochin-682 035. ... Applicant

(By Advocate Ms.H.Subhalakshmi)

vs.

1. Assistant General Manager(Administration)
Office of the General Manager, Telecom,
Ernakulam, Cochin-682 031.
2. General Manager Telecom,
Office of the General Manager Telecom,
Ernakulam, Cochin-682 031.
3. Raman,
Senior Section Supervisor,
Office of the Assistant General Manager Administration,
Ernakulam.
4. Radhakrishnan, Section Supervisor(O.P.)
Office of the Assistant General Manager(Administration),
Catholic Centre, Broadway, Cochin-682 035.
5. Senior Accounts Officer(Cash),
Office of the General Manager, Telecom,
Catholic Centre, Broadway,
Ernakulam.

(By Advocate Mr.T.R.Ramachandran Nair for R1,2 & 5)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant challenges AI order, transferring him from Ernakulam to Thodupuzha. Earlier he was transferred to Idukki and he moved this Tribunal by O.A. 180/95. We directed respondents to consider a representation made by applicant against the order of transfer. That was considered and he was transferred to Thodupuzha instead of Idukki.

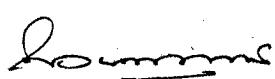
2. According to applicant the transfer is a disguise for punishment and third respondent was instrumental to this. It is admitted by applicant's counsel that third respondent has no authority to transfer an official like applicant. The reply statement is also to this effect. Hence, there is no question of malafides vitiating the transfer.

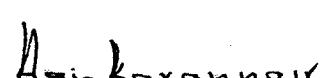
3. There is a statement in Annexure.R1 that applicant had misbehaved with a woman Mazdoor. Based on this it is argued that transfer is by way of punishment. On the contrary R1 suggests that it was issued to avoid disciplinary proceedings. Wild guesses cannot be permitted.

4. Applicant had been working at Ernakulam for 12 years at a stretch except for one month at Aluva. He belongs to a transferable department. An official has no right to remain at any station for any length of time and even the norms prescribed by administrative orders do not confer any right. This has been so held in Gujarat State Electricity Board and another vs. Atmaram Sangomal Poshani, AIR 1989 SC 1433, Union of India vs. S.L.Abbas, AIR 1993 SC 2444. The same view has been followed in N.K.Singh vs. Union of India, AIR 1995 SC 423. We find no legal right in the applicant to challenge an order of transfer nor are we inclined to hold that the transfer was malafide or punitive in any sense.

5. We dismiss the application. However, if a vacancy arises at any station closer to Ernakulam than Thodupuzha, applicant may make a representation for transfer and respondents may consider the same. No costs.

Dated the 17th March, 1995.


S.P.BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure A1:- True copy of the Medical Certificate, dated 22-11-'94, issued by Dr.T.L.P. Prabhu. M.D., Sree Sudheendra Medical Mission, Ernakulam, Kochi - 682 018.

Annexure R1:- True copy of the letter No.ST/EK-234/7/26 dated 15-2-1995 issued by the General Manager, Telecom, Ernakulam.