

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Dy.No.1996/93

O. A. No.

386/93

DATE OF DECISION 1-3-1993

Mr KV Vijayan & another Applicant (s)

Mr MGK Menon Advocate for the Applicant (s)

Versus

Assistant Engineer, Phones Respondent (s).
(Internal), Kalamassery & 3 others

Mr George CP Tharakan, SCGSC Advocate for the Respondent (s)
(through proxy counsel)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

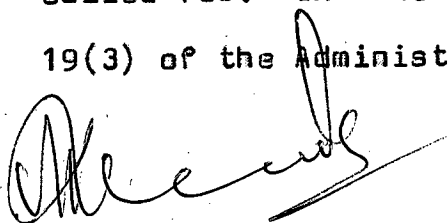
AV Haridasan, J.M.

The first applicant who is a T.S.(O.P), Telephone Exchange(Internal), Kalamassery and the second applicant is the District Secretary of National Union of Telecom. Engineering Employees Group 'C' have filed this application challenging the order dated 14.1.1993 at Annexure-A1 by which the first applicant has been relieved from his present post for carrying out the transfer as T.S(O.P) to A.E. External, Kalamassery. Since the transfer does not involve any change in station it is being challenged by the applicant on the ground that the motive behind the order is victimisation on the basis of a one sided enquiry alleged to have been held behind the back of the first applicant in regard to a complaint in which members of the two rival Unions are involved. The grievance of the applicant is

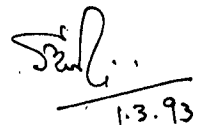
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that for no fault of the first applicant he has been transferred from his present post and though the transfer does not involve any change of station it affects his prestige and the prestige of the Union to which he belongs. It is in these circumstances that the applicants have filed this application impugning the transfer order as arbitrary and unreasonable. It has been averred that the impugned transfer is made in violation of the norms.

2. We have heard the learned counsel for the parties. The applicant is transferred from a post of T.S.(O.P), Telephone Exchange(Internal) to T.S(O.P) External in the same area and in the same station and therefore it does not involve shifting of the residence at all. What is highlighted more is a question of prestige. The impugned order at Annexure-A1 does not disclose that the transfer was on account of any complaint and there is absolutely nothing to indicate that the image of the applicant has been tarnished by the impugned order. So the apprehension in the mind of the applicant that the prestige of the first applicant or that of his Union would be brought down if the impugned order of transfer is given effect to does not appear to be well founded. Transfer being a routine administrative matter and especially in this case as there is absolutely no inconvenience caused to the incumbent, we are of the view that judicial intervention is not called for. In this light we reject the application under Section 19(3) of the Administrative Tribunals Act.



(AV HARIDASAN)
JUDICIAL MEMBER


1.3.93

(SP MUKERJI)
VICE CHAIRMAN

1-3-1993

trs