

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No. 387 of 2010

Tuesday, this the 25th day of May, 2010

CORAM:

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Joseph M.C., Telecom Mechanic,
Boat Jetty MDF & TD Sub Division,
Ernakulam.

..... **Applicant**

(By Advocate – Ms. Jebi Mather for M/s. Dandapani Associates)

V e r s u s

1. The Assistant General Manager (Admn),
BSNL Bhawan, Ernakulam – 682016.
2. The Sub Divisional Engineer, TD & MDF,
Telephone Exchange, Ernakulam, Cochin-11.
3. The Sub Divisional Engineer, Telephone
Exchange, Manjapra, Ernakulam.

..... **Respondents**

(By Advocate – Mr. George Kuruvilla)

This application having been heard on 25.5.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Aggrieved by out of turn transfer, the applicant has filed this O.A. The applicant is a Telecom Mechanic in MDF & TD Boat Jetty Power Station Sub Division, Ernakulam. The applicant was transferred to Ayyampuzha Telephone Exchange which is 50 kms. away from the present place of posting. This transfer is made inspite of the representation from the applicant to exempt him from transfer as his daughter has to appear for 12th standard Board examination during



this academic session. There are much senior Mechanics who have put in more years of service than the applicant in the present station and who do not fall under exemption as per the general policy followed. The applicant has been doing his duty in a dedicated and disciplined manner. There is no justifiable reason for transferring him from the present station. The very purpose of exempting him from high range transfer on the ground of his daughter's 12th Board examination is defeated because of his transfer to Ayyampuzha. Therefore, his transfer order should be set aside.

2. The respondents submitted that the applicant has been working in the present station from 1997 onwards. He has been transferred to Ayyampuzha Telephone Exchange under general transfer. The location is only 50 kms. away from Ernakulam where he is residing with his family. He was exempted from transfer to high range area. But that is not a reason for avoiding the present transfer which is purely on the basis of corporate transfer policy. The seniors to the applicant, who are not transferred, are due to retire in 2012 or 2013. They are all aged more than 56 years, therefore, they were exempted from transfer though they are having longer stay than the applicant in the respective stations. The Board examination of his daughter is not a ground for exemption from transfer under general transfer policy. An official can be transferred in the interest of service at any time. In AIR 1991 SC 532, the Apex Court has held that it is for the administration to take appropriate decision in the matters of transfer and such decision shall stand unless the same is vitiated by malafide or violation of any statutory provisions. Therefore, the O.A. Should be dismissed.

3. Heard the learned counsel for the parties and the documents perused.



4. The Courts are not expected to interfere with day to day transfer issued by the Government unless the same is vitiated by malafide or violation of any statutory provisions. In the present case, the applicant is transferred to a place which is less than 50 kms. away from the present place of posting. He had been in the present station for quite sometime. The transfer is in accordance with the the corporate transfer policy and no malafide or violation of rule is seen. His seniors having longer stay at the respective stations have not been transferred because they are having more than 56 years of age. The applicant who is younger than them should not find it difficult to travel 50 kms. to and fro and to take care of his daughter who is appearing the 12th Board examination this year. As there is no merit in the contention of the applicant, the O.A. fails and it is accordingly dismissed with no order as to costs.

(Dated, the 25th May, 2010)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.