

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.170/2006
This the 12th day of April 2006

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.

Z.A. Khan, aged about 58 years, S/o Late Shri Akhtar Ali,
Resident of 220 Ashiana Colony, Lucknow.

...Applicant.

By Advocate: Shri Yogendra Misra.

Versus.

1. Union of India through Secretary, Department of Human Resource Development, Ministry of Central Secretariat, New Delhi.
2. Joint Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jit Singh Marg, New Delhi.
3. Education Officer, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jit Singh Marg, New Delhi.
4. Principal, Kendriya Vidyalaya, SGPGI Campus, Lucknow.

By Advocate: Shri Rajendra Singh for Respondents Nos. 2 to 4.

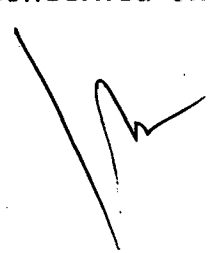
ORDER (Oral)

BY HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.

1. Heard Shri Yogendra Misra Learned counsel appearing for the applicant and Shri Rajendra Singh appearing for Respondents No. 2 to 4. Also perused the contents of the petition and the papers annexed with it.
2. The applicant is assailing the order dated 21.3.2006 by which his transfer effected vide order dated 30.5.2005 has been modified and also order dated 3.4.2006 by which he has been relieved from the present post, so as to report



for duty at the transferred place i.e. Kendriya Vidyalaya, Balrampur. The grounds inter-alia are that the transfer order is in breach of guidelines issued by the Administration as the applicant is due to retire in 2008. It has also been said that earlier when he was transferred vide order dated 30.05.2005 from Lucknow to Navgaon, Assam, he challenged that order by filing O.A.No.286/2005, which this Tribunal was pleased to allow vide order dated 8.9.2005. Shri Misra informed that a Writ Petition filed by the respondents of that O.A. against the said order of September 2005⁴, is still pending before the Hon'ble High Court.

3. The law on the subject is very clear that the interference of the Courts or the Tribunals with such transfers is possible only if the transfer is wholly malafide or it entails punishment or is otherwise against the settled norms. In normal course such transfers are not ^{interfered} ~~effected~~ with, but ⁴ It transpired ⁴ from the order impugned that the applicant has been accommodated by modifying the earlier transfer order. By the earlier order he had to go to Assam and by the present order he has been adjusted ^{at} ~~nearby~~ place ^{at} Balrampur, ⁴ so that way order impugned is not such, which can be said to be malafide. Insofar as the applicant has only 2 years to serve so should not be disturbed, may be looked into by the authority concerned on representation being made by the applicant.
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4. The petition is finally disposed of with a provision that Incase, the applicant makes a representation within a period of one week from today, the authority concerned namely O.P.No.3 will pass suitable orders thereon within a period of 10 days in accordance with relevant guidelines, thereafter. It is expected that no disciplinary action shall be taken against the applicant till the disposal of the representation by the authority concerned. Incase, the applicant does not give representation within the period mentioned above, he will not be entitled to the benefit of these directions.
5. The O.A. is disposed of as above with no order as to costs.


12.4.06
(KHEM KARAN)
VICE-CHAIRMAN

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