

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO: 297/2006

Lucknow this, the 18th day of August, 2006.

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN

Anurag Mishra aged about 39 years S/o Late P. Mishra R/o 34
Depty Ganj Moradabad. U.P. working as C.O.S.S.B. Chakia, Dist.
Bahraich.

Applicant.

By Advocate Shri Prashant Singh Atal.

VERSUS

1. Union of India through Secretary Department of Home
Ministry, Home Affairs, New Delhi.
2. Director General Sashastra Seema Bal, East Block-V, R.K.
Puram, New Delhi.
3. Shri Satya Vrat, Inspector General S.S.B. Frontier H.Qr, 11th
Floor Kendriya Bhawan, Alinganj, Lucknow.
4. Deputy Inspector General, Sashttra Seema Bal, Sector Head
Qr. V Building of Smt. Chandra Singh, Near Hujurpur Bus
Stand, Bahraich.


Respondents.

By Advocate Shri S. P. Singh for Shri Rajendra Singh.
Shri S. P. Singh for Respondent No. 3

ORDER (ORAL)

By Hon'ble Shri Justice Khem Karan, Vice Chariman

Heard Shri Prashant Singh Atal appearing for the applicant
and Shri S. P. Singh holding brief of Shri Rajendra Singh for
official respondents.

2. This petition is directed against the transfer order dated
12.5.2006 by which the applicant has been transferred from
Chakia in district Bahraich to Jhulnipur in district Maharajganj of
the state of U.P. A perusal of transfer order dated 12.5.2006
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reveals that six others employees were also transferred from one station to another as mentioned in the order. The grievance of the applicant is that this transfer order is not in terms of the guidelines issued by the department for effecting such transfers. The applicant alleges, firstly the transfer was effected after the start of the schools session and secondly, it was made effective immediately though the guidelines were to the effect to that should be issued at least two months before the date from which to take effect. It has been said that the applicant had already admitted his children in school in March 2006 and these orders were passed in May 2006. The learned counsel for the applicant has also taken the Tribunal through the copy of the relevant portion of the guidelines, regulating the routine on periodically transfer. Attempt has also been made to say that it was owing to the bias on the part of the Respondent No. 3 that the applicant was transferred in mid session. No details of bias or malafides have in fact been given .


3. Shri S. P. Singh appearing for the official respondents has stated that the applicant was relieved much before the date he filed this O.A. and so his grievance against the transfer order is not such which this Tribunal can redress. Shri Atal has drawn attention of the Tribunal towards the representation (Annexure No. 3) of the applicant addressed to the Director General Sashastra Seema Bal (Respondent No. 2) in which he has tried to put his grievance.
4. Transfers is an incident of service and it is normally not interfered with unless of course the same is found to be actuated by malice or is otherwise punitive in nature or is influenced by any extraneous consideration. In suitable cases, interference are made if; the transfer have been made in breach of professed policy



-3-

but there is no rules that it should necessarily be interfered with on that ground. It is not the applicant alone who has been disturbed in mid of the session but six others have also been so disturbed. The Tribunal is of the view that there are no good grounds for interfering with the order of transfer at this stage when the applicant has already been relieved. The grievance of the applicant as he put in his representation (copy of which is Annexure A-3) should be looked into by Respondent No. 2 and suitable orders passed. In case, the applicant makes any request for change of the station, the same may be considered as per rules and attempt may be made to accommodate him as far as possible .

5. This O.A. is finally disposed of with a direction to the Respondent No. 2 to look into the grievance of the applicant as put in Annexure A-3 within a period of two months from the date a certified copy of this order together with the copy of said representation is produced before him. If the applicant makes any requests for any change the same may be considered sympathetically.


18.8.27

(Khem Karan)
Vice Chairman