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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. 122/91

S.N. Rawat

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

(Hon. Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the order of transfer dated 21.3.91 transferring the applicant from Lucknow to Dimapur in the same capacity i.e. Plant Protection Officer. The applicant's contention is that the transfer is malafide and illegal. The basis for alleging the transfer order as malafide and illegal is that the applicant was offered the post of Assistant Director vide order dated 25.9.90 and on his refusal to accept the promotion post outside Lucknow the competent authority, vide order dated 6.2.91 passed the order contained in Annexure A-3 to the claim petition that the promotion order is cancelled and the applicant will be deemed to have been debarred from promotion for a period of one year from the date of refusal i.e. 25.1.91. We are of the opinion it is difficult to say that the impugned order of transfer is malafide on the above ground. We may also make mention of the fact that the applicant also made an offer seeking voluntary retirement but when the competent authority directed

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the applicant to seek voluntary retirement unconditional. The applicant withdrew the letter of voluntary retirement. Thus, one can infer that the letter of voluntary retirement was in the nature of a threat to the competent authority to let him remain posted in Lucknow or give him posting near about Lucknow. In any case, the applicant was not serious in seeking the voluntary retirement, but on that pretext he wanted to remain posted at Lucknow or near about Lucknow. We have also noted that the applicant has been posted at Lucknow for the last 5 years. In the circumstances, and particularly in view of the dicta laid down by the Supreme Court in Kartarnia's case. We are of the opinion that no interference is called for in the matter of transfer.

2. The application is rejected at the admission stage itself.

A.M.

J.M.

Shakeel/

Lucknow: Dated: 25.4.91.