

(RJ)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.326 of 1991 (L)

Bhagwan Charan Gupta ..... Applicant

Versus

Union of India & Others ..... Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who is about to retire within one year was transferred on 24.6.91. The Senior Divisional Personnel Officer Northern Railway, Lucknow vide letter dated 16.8.91 upheld the order dated 24.6.91. Initially an interim order was granted on the ground that three vacancies are available. The learned counsel for the respondents also appeared and orally raised a plea against the transfer. The transfer order is very clear and it says that " Shri B.C. Gupta, CGC/LKO grade Rs.1400-2300 has been posted at Kashi on promotion to grade Rs.1600-2660 and he should carry out his transfer on promotion or else, give his refusal. In case he joins there, his request for transfer back to Lucknow may be registered and whenever it is possible, his request will be considered. He should be told that in case he does not carry out his transfer, it will be deemed as his refusal." The learned counsel for the applicant contended that the applicant's juniors have been retained. Since the transfer order was for promotion and in that case the applicant should proceed on transfer. The option is there for the applicant

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to choose either to go on transfer or promotion or to remain at the station but if the applicant wants to remain at the station/in that case the applicant will not get any promotion. Generally, the transfer orders are interfered by this Tribunal unless it is proved to be <sup>in the result of</sup> malafide or bias. Transfers are always made on administrative exigencies of service. The applicant cannot get double benefit. With the observations, the application is dismissed.

*Jhansi Singh*  
Member (A)

*LC*  
Vice Chairman

Dated the 20th Sept., 1991.

RKM