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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 335 of 1989 (L)

Man Singh Applicant.

Versus

Union of India & another ... Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for quashing an order of transfer (contained in Annexure 'A-2') dated 31.5.1989 from Jahangirabad to Elgin Bridge, Bara Banki.

2. The applicant was admittedly transferred from elsewhere to Jahangirabad in October, 1987. His allegation is that on 1.2.1989 he was temporarily transferred from Jahangirabad to Lucknow where he was also granted Leave Travel Concession. On return he could not join for sometime on account of sickness of the members of his family, but he was surprised to find one day that by order dated 8.5.1989 he had been re-transferred from Jahangirabad to Elgin Bridge, Bara Banki without reference to his posting at Lucknow. The allegation is that this transfer was fraudulent and arbitrary.

3. The reply in the counter is that the applicant had been posted at Jahangirabad and was never transferred to Lucknow and that the LTC granted from Lucknow is not enough to show that he was transferred to Lucknow. It is said that the posting of the applicant had ^{at} all times been at Jahangirabad and that there was no


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illegality, fraud or arbitrariness in his re-transfer from Jahangirabad to Bara Banki. Dr. D. Chandra, appearing on behalf of the respondents, also complaints that the applicant has made uncalled for allegations against some of the officers in the application.

4. We have heard Sri T.N. Tewari for the applicant and Dr. D. Chandra for the respondents and have perused the material on the record. We do not find any infringement of a legal right of the applicant in the matter of transfer. It is not very material whether between February and May, 1989 the applicant was working in Lucknow because even if he was working here on temporary transfer, as alleged by the applicant, that would come automatically to an end since the competent authority passed the order of transfer from Jahangirabad to Bara Banki. Perhaps, the proper remedy for the applicant was to approach the higher authorities with the request to look into his case sympathetically on account of the fact that there had been sickness amongst the members of his family and as stated by the learned counsel for the applicant, two of the applicant's children also died. We think, therefore, that while this application may fail the applicant may approach the competent authority again, withdrawing uncalled for allegations and seeking his posting at some station of his choice and according to his pressing needs on sympathetic considerations.

5. The application is accordingly disposed of in the above terms at the admission stage.


MEMBER (A).


VICE-CHAIRMAN.

Dated: February 2, 1990.