

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD (A7)

CIRCUIT BENCH

LUCKNOW

O.A.36/1989

R.B. Bajpai

versus

Applicant

Respondents.

Union of India & others

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

By means of this application under section 19 of the Administrative Tribunals Act, 1985, Shri R.B. Bajpai, Assistant Accounts Officer, challenged the validity of the order transferring him from the office of Garrison Engineer (West), Lucknow (G.E. (W) for short) to the office of Controller of Defence Accounts (C.D.A. for short), Lucknow.

2. The applicant was posted as Unit Accountant in the office of G.E. (W) Lucknow vide C.D.A. Lucknow letter No. A.N./1/1236/BOL-II dt. 28.3.88. Normally, the officials in the rank of Assistant Accounts Officer and Senior Auditor are appointed in rotation as Unit Accountants which appointment carries an extra remuneration of Rs 100/- per month. It is also considered to be a sensitive appointment. This appointment is ordinarily for a period of two years. The applica

2. One Shri Ram Swarup, Senior Auditor with the office G.E. Memora ^{had} ~~at~~ to be reverted to the office of G.E. (W) for administrative reasons. He was, however, required to proceed the G.E. Memora on every Thursday to attend ^{to} the work there. When the respondents ordered that Shri Ram Swarup should accordingly report to G.E. Memora on every Thursday, he represented that since he had worked as the Unit Accountant with the G.E. Memora, it would not be dignified for him to go to that very unit as ~~same~~ Senior auditor. His problem was duly appreciated by the respondents who then directed that he would go once a week to G.E. Memora in the designation of Unit Accountant. The applicant did not like this arrangement and refused to send Shri Ram Swarup to the office of G.E. Memora. He blatantly disobeyed all official instructions issued by his superior authorities in this regard.

3. The applicant's case is that he was right in not obeying the various instructions issued by his superiors and that his transfer order was issued due to malice towards him.

4. The respondents have stated that after the applicant was posted as Unit Accountant with G.E. (W) it transpired that he had previously worked in a sensitive appointment at Kanpur. It was, therefore, decided to shift him from the office of G.E. (W) and post him to the office of C.D.A. in the same station.

5. Apparently, the transfer order was issued because the applicant became a stumbling block in the smooth functioning of the office of the respondents. ~~They~~ We are not convinced with the applicant's plea that anyone in particular amongst the respondents had any personal grudge or malice towards the applicant. The transfer order was issued in departmental interest and cannot be interfered by us. In the case of Union of India vs. H.N.Kirtania 1989 SCC(L&S) 481 the Supreme Court held that transfer of a public servant on administrative grounds or in public interest should not be interfered with unless there are strong & instructions and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on ground of malafides.

6. In the result, the application is liable to be dismissed and we order accordingly.

Shakeel
A.M.

V.C.
V.C.

Lucknow Dt. 19-9-91.

Shakeel/-