

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

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Original Application No. 430 of 1990

Nageshwar Prasad

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. D.K. Agrawal, Judl. Member.

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the transfer order dated 20.11.90, whereby the applicant has been transferred from Flying Gang to Yard. Counter Affidavit has been filed. No Rejoinder has been filed thereto. The perusal of the counter affidavit indicates that the applicant was posted as Khalasi in Yard from 18.5.63 to 31.12.76. He was then posted in Flying Gang from 1.1.77 to 31.12.83. The contention of the respondents, as contained in para 4(E) of the Counter Affidavit is that the personnel of Flying Gang ^{^ AND "} in Yard are interchangeable. In support of his contention details have also been given in para 5(ii). It has further been alleged in para 4(C) of the Counter Affidavit that the transfer of the applicant has taken place as a result of the discussion in Permanent Negotiations Meeting. It is further alleged on behalf of the respondents that the transfer was done in administrative exigency. Taking into account these pleadings of the respondents this Bench is of the

D.K. Agrawal

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opinion that no interference is called for in the impugned order of transfer. The law on the transfer is settled by the Supreme Court in Kartarnia's case ~~is~~ to the effect that the transfer order should not be interfered with unless the same is arbitrary and malafide. The perusal of the record does not substantiate any of these grounds. Therefore, this claim petition is liable to be dismissed.

2. In the result, the Claim petition is dismissed with no order as to costs. Order dated 28.12.90 is hereby vacated.

Dr. Aggarwal
Judl. Member. 30.8.91.

Lucknow Dated: 30.8.91

Shakeel/