

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PATNA BENCH : PATNA

Registration No. OA-204 of 1996

Date of Order:- 12.4.1996

Mahendra Prasad Singh	..	Applicant
Versus		
The Union of India & Another	..	Respondents
Counsel for the applicant	..	Mr. S.K.Singh
Counsel for the respondents	..	None
Coram:- Hon'ble Shri N.K.Verma, Member (A)		

O R D E R

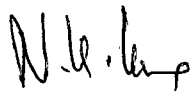
( Pronounced on dictation in  
Open Court )

Hon'ble Shri N.K.Verma, Member (A):-

Heard Shri S.K.Singh, learned counsel for the applicant who has come through this O.A. agitating his non-posting as Stores and Stationary Assistant in the office of the C.T.O. The Chief Superintendent, CTO, had called for volunteers for internal sectional transfer and the applicant had made request for being appointed as the Stores and Stationary Assistant in the Stores and Stationary Branch. However, the Chief Superintendent vide the impugned order selected somebody else rather than this applicant without assigning any reason. One of the reasons given was that there was paucity of volunteers in certain sections and persons who were working in the Stores and Stationary Section were allowed to continue. Therefore, impugned action of the Chief Superintendent was motivated by mala fide and arbitrariness. However, in my queries if any representation was made to any competent authority in the department, Shri Singh submitted

that there was no provision under the extant rule to make a representation against such order of the Chief Superintendent.

2. After a great deal of argument I have come to the conclusion that the applicant has rushed to the Tribunal without availing the departmental remedies which are available to him under the several rules and executive instructions with the Respondent - Department that any person working in the Government organisation has a right to represent to his next higher authority regarding any order/action which deprives him of legitimate expectation. Though a transfer to a particular Branch of the Administration is not a vested right in an individual working in the Department, he may aspire to transfer to some of the jobs which are suited to his talent. However, the Administrative authorities have the discretion of employing or not employing an official in a capacity where he wants to work. In any case the matter cannot be agitated before this Tribunal unless and until the remedy available under the Departmental Rules is not exhausted. The order by which the applicant seems to be affected is dated 29.3.96 and the applicant has come to this Tribunal through his O.A. on 4.4.96. The application is dismissed at the admission stage itself as it is highly premature and therefore not maintainable.

  
( N.K.Verma )  
Member (A)