

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~
NEW BOMBAY BENCH

O.A. No.
T.A. No.

St.No.361/ 1988

DATE OF DECISION 19.12.1988

Shri M.M.Bhalerao

Petitioner

Shri M.M.Sudame

Advocate for the Petitioner(s)

Versus

1. Deputy Director General of Military Farms

2. ~~Officer-incharge, Military~~ Respondent s
Farm.

None for the respondents

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. K.S.Puttaswamy, Vice-Chairman

The Hon'ble Mr. P.S.Chaudhuri, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JS
NA
NA
NA

On

(u)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY

Stamp Application No.861/88

Shri M.M.Bhalerao,
Quarter No.P/1/1,
Military Farm, Pimpri,
Pune-17

.. Applicant

V/s.

1. Deputy Director General
of Military Farms,
Army Head-quarters,
QMG Branch West Block-III,
R.K.Puram,
New Delhi.

2. Officer-incharge
Military Farm,
Pimpri,
Pune-17.

.. Respondents.

Coram: Hon'ble Vice-Chairman Mr.K.S.Puttaswamy
Hon'ble Member(A), Mr.P.S.Chaudhuri

Appearance:

Mr.M.M.Sudame
advocate for the
applicant.

None for respondents.

ORAL JUDGMENT:-

(Per: Mr.K.S.Puttaswamy, Vice-Chairman)

Dated: 19.12.1988

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985.

2. The applicant who is working as Assistant Supervisor(Civilian) in Military Farm, Pimpri, Pune has made this application on 13.12.1988, challenging a transfer order on diverse grounds without however producing the same as required by the Act and the Rules made thereunder. Evidently on the request of the applicant

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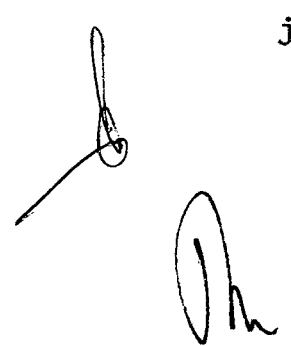
this case was posted on the same day before the Hon'ble Member(A) Shri M.Y.Priolkar for admission, Who on hearing the learned Advocate for the applicant directed this matter to be posted before a Division Bench. On this direction this case has come before us today for admission.

3. At the hearing we requested, Shri Sudame to show us the order challenged by the applicant or produce the same for our perusal. On this Shri Sudame has produced original movement order cum casualty report bearing No.E-18/MFP dated 15.9.1988 issued by the Lt.Colonel Officer Incharge, Military Farm, Pimpri, Pune with a memo. Shri Sudame has urged that this is the very order which is challenged by the applicant and that we may examine its validity as challenged in the application. We accept this submission of Mr.Sudame and proceed to examine the validity of the order produced before us today.

4. A perusal of the movement order discloses that the applicant has been transferred from Pimpri, Pune where he has been working for ^{more} ~~than~~ five years to Tezpur situated in the State of Assam. From this, it is obvious that the transfer of the applicant has been made by the competent authority in the public interest.

5. In challenging the transfer order the applicant has not urged, that the same had been made by an authority who had no jurisdiction or the same is vitiated by malafides which are the two grounds on which this Tribunal interferes with the same. If both these grounds do not exist, then this Tribunal in exercise of its judicial review cannot properly interfere with a simple

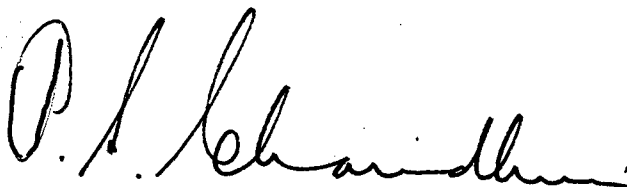
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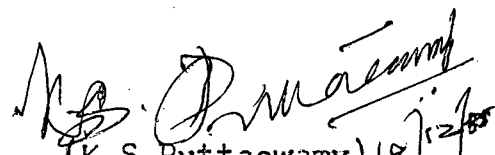
order of transfer made in the public interest. On this view itself, the challenge to the transfer order cannot be upheld.

6. Shri Sudame brought to our notice the difficulties and inconveniences caused to the applicant. We are of the view that every one of them are irrelevant to adjudge the impugned order. We are of the view that the ruling of the Cuttack Bench in B.C.Bohindar V/s. Union of India and Others ([1987] 2 Administrative Tribunals Cases 23) is only a decision on the facts of that case and does not lay down any binding principle to be followed by us. We see no merit in this contention of Sri Sudame and we reject the same.

7. On the foregoing discussion, this application is liable to be rejected at the admission stage. We, therefore, reject the application at the admission stage with no order as to costs.



(P.S. Chaudhuri)
Member(A)



(K.S. Puttaswamy) 19/12/88
Vice-Chairman