

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 138/96

Transfer Application No.

Date of Decision

1/3/96

Smt. Loretta Machado

Petitioner/s

Shri I.J.Naik

Advocate for  
the Petitioners

Versus

Union of India & Anr.

Respondent/s

Shri V.S.Masurkar

Advocate for  
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ?

  
(P.P.SRIVASTAVA)

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO. 138/96

Smt. Loretta Machado

... Applicant

V/S.

Union of India & Anr.

... Respondents

CORAM: Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri I.J.Naik  
Advocate  
for the Applicant

Shri V.S.Masurkar  
Advocate  
for the Respondents

JUDGEMENT

Dated: 1.3.96

(PER: P.P.Srivastava, Member (A)

The applicant is working as Lower Division Clerk in the Office of Deputy Director of Agriculture at Daman. The applicant has been transferred to the Office of the Mamlatdar, Daman vide order dated 5.2.1996 placed at Annexure-'A-1'. The counsel for the applicant has argued that the order is against the guidelines laid down for transfer dated 11.5.1993 which are placed at Annexure-'A-2'. He has specifically brought to my notice Instruction No. 14 which reads as under :-

"14. In order to avoid dislocation of work and to maintain continuity in the service, the authority competent to effect transfers, while ordering such transfers, shall see that the transfers in a department do not exceed one-third of the total strength under each category."

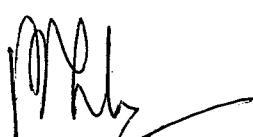


.. 2/-

The counsel for the applicant has submitted that out of the 4 LDCs, 3 LDCs are transferred and therefore these orders are against the guidelines mentioned above.

2. It is seen that the transfer is at the same station and according to the respondents, the office where the applicant is working at present and the office where she is transferred are adjacent and only 100 metres away. The transfer, therefore, ~~does~~ ~~is not entailed~~ any of the hardship associated with transfer when an employee is transferred from one station to another.

3. The counsel for the applicant has cited number of cases wherein the Courts have given relief on the basis of guidelines not being followed. However, there is no general rule and each case is required to be seen in the light of the facts and circumstances prevailing. All the cases cited by the applicant ~~also entailed~~ <sup>envisage</sup> ~~POH~~ transfer from one station to another. It is seen that the transfer has been ordered by the Administrator of Daman and Diu & Dadra and Nagar Haveli who is the highest authority. Since the transfer does not involve any geographical shift from one place to another and even the office is adjacent to one way or another, I am of the view that this is not a fit case where the



Tribunal should interfere. In my opinion, this is not a fit case for being considered by the Tribunal. The OA. is, therefore, dismissed at the stage of admission. The interim order passed will stand vacated.



(P.P.SRIVASTAVA)  
MEMBER (A)

mrj.

C.P.No. 30/96  
fixed to order  
on 26/4/96

~~M.P.No.  
for orders staying  
that interim relief  
to continue heard  
on~~

3/13 PE 26/4/96  
S.O. P. 30/96

~~8  
CO~~

3/11/96

\* memo of Appearance  
file by Respondent

Notices issued to  
Applicant/Respondents on  
23/5/96.

cafe  
24/5/96

30/4/96-(Habell. Board)

None for applicant.

Applicant has filed C.P. 30/96.  
Issue notice to respondents  
to file reply on  
C.P. 30/96 in 10 weeks.

Adjourned to 19/7/96.

M.R.Kothakay B.S.Hegde  
(M.R.Kothakay) (B.S.Hegde)  
M(4) M(5)

alp.

Per Tribunal

Date: 19/7/96

Applicant in person by Mr. Sivank Raja  
Advocate / Respondent by none

Counsel for want of time

The matter adjourned to 4/10/96  
for orders a C.P. 70/96

Dy. Registrar

Per Tribunal

Date: 20/10/96

Applicant in person by Mr. T. T. Naik  
Advocate / Respondent by none

Counsel for want of time

The matter adjourned to 6/12/96  
for orders on C.P. 30/96

Dy. Registrar

Per Tribunal

Date: 6/12/96

As there will be no Division  
Bench, the matter fixed on 6/12/96  
before the Tribunal is adjourned for  
Admission hearing / directions / orders /  
final hearing on 20/12/96

Inform the advocates / Parties  
accordingly.

Dy. Registrar