

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 1066/99

Date of Decision : 4.5.2000

S.G.Gokhale Applicant.

Shri A.M.Joshi Advocate for the  
Applicant.

VERSUS

Union of India & Others, Respondents.

Shri Suresh Kumar Advocate for the  
Respondents.

CORAM :

The Hon'ble Shri Justice Ashok Agarwal, Chairman

- (i) To be referred to the Reporter or not ? No
- (ii) Whether it needs to be circulated to other No  
Benches of the Tribunal ?
- (iii) Library No

  
(ASHOK AGARWAL)  
CHAIRMAN

mrj\*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.1066/99

Thursday this the 4th day of May, 2000.

CORAM : Hon'ble Shri Justice Ashok Agarwal, Chairman

Suhas Govind Gokhale,  
R/o 202 Shukrawar Peth,  
Pune.

... Applicant

By Advocate Shri A.M.Joshi

V/S.

1. The General Manager,  
Mumbai CST, Mumbai.
2. The Divisional Railway Manager,  
CST, Mumbai.
3. The Divisional Railway manager  
(Personnel), Pune.
4. The Divisional Traffic Manager,  
Central Railways,  
CST, Mumbai.
5. The Sr.Divl.Personnel Manager,  
CST, Mumbai.
6. The Sr.Divl. Commercial Manager,  
CST, Mumbai.
7. S.G.Sakhare,  
Chief Booking Supervisor,  
Neral Rly, .Stn. Neral.
8. Mr. Sharma,  
Divisional Accounts Office,  
Pune.

... Respondents

By Advocate Shri Suresh Kumar

..2/-

O R D E R (ORAL)

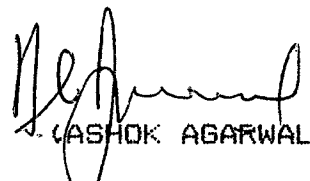
(Per: Shri Justice Ashok Agarwal, Chairman)

Applicant, a Chief Booking Supervisor in the Central Railway by the present OA. seeks to impugn <sup>an</sup> order of transfer transferring him from Pune to Neral. It cannot be disputed nor it is disputed that the services of the applicant are transferable. Aforesaid order however is sought to be impugned on <sup>ground</sup> ~~account~~ of malafides by making the following averments :-

" The applicant states and submits that the order impugned came to be passed under the peculiar circumstances. The applicant states and submits that on 8.12.1999 the Senior Divisional Manager, the Divisional Accounts Officer and the Divisional Commercial Manager had come to the section headed by the applicant at about 9.30 to 10.00 a.m. for inspection. The applicant states and submits that the Divisional Accounts Officer, Mr. Sharma had cigarette in his hand and therefore, though politely the applicant pointed out that the smoking will not be permissible in the department particularly because his section has got certain old record kept therein and also important documents. The applicant states and submits that it was taken offensively by said Mr. Sharma and thereupon the applicant was called upon to give explanation as to why certain old records and furniture was lying in his section. The applicant thereupon told the concerned persons that he has not received any order to dispose of such furniture and old records though the correspondence in that respect has been made by him with the Divisional Traffic Manager. The applicant states and submits that the said persons were not happy with the said reply either and the impugned order therefore, has in fact, been issued as a corollary of such incidence which has taken place. The applicant submits that otherwise, there was no occasion for issuing such transfer order which is impugned in this original application."

2. In my judgement aforesaid incident can have no bearing on the order of transfer which is impugned herein. The incident which is quoted is of the 8th of December, 1999 whereas the impugned order of transfer is also of 8th December, 1999. The incident has taken place in Pune whereas the impugned order of transfer has been issued from Bombay. The order of transfer makes reference to a transfer of one Shri S.C.Sakhare from Neral to Pune in the erst-while post held by the applicant. The same is shown to have been made at the request of Shri Sakhare. As far as applicant's transfer is concerned, <sup>the same</sup> ~~which~~ has been shown to have been made on administrative exigencies. It follows that the request of Shri Sakhare for his transfer from Neral to Pune has preceded the <sup>passing</sup> ~~posting~~ of the order which has been issued on 8th of December, 1999. What follows is that applicant's transfer has been directed as a sequence to the transfer order issued in favour of Shri S.C.Sakhare. In the circumstances, there can be no connection between the incident quoted by the applicant in the impugned order of transfer.

3. Once it is held that no malafides can legitimately be made in respect of the order of transfer, the same cannot be successfully assailed. Present OA. in the circumstances is summarily rejected.  

  
(ASHOK AGARWAL)  
CHAIRMAN