

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

O. A. No. 592/2001. CAMP AT AURANGABAD.

Stamp Application No.(A) 1/2001.

Wednesday, this the 8th August, 2001.

Justice Shri Birendra Dikshit, Vice-Chairman.

A.B.Hajela,
Sr. Divisional Accounts Officer
in the Office of the Executive Engineer,
PWD,
Osmanabad.
(By Advocate Shri M.R.Kulkarni)

...Applicant.

v.

1. Union of India through
General Comptroller and Auditor of
India,
New Delhi - 35.
2. The Accountant General (A&D-I),
Maharashtra,
Mumbai.
3. The Accountant General (A&D-II),
Nagpur.
4. The Executive Engineer,
P.W.D.,
Osmanabad.
5. Shri P.N.Choudhary,
Sr. Divisional Accounts Officer,
in the Office of P.W.D. Division,
Latur.

...Respondents.

: O R D E R (ORAL) :

Shri Birendra Dikshit, Vice-Chairman.

This applicant is directed against the transfer order dt. 10.5.2001, whereby the applicant who is Senior Divisional Accounts Officer (Sr. D.A.O.) in P.W.D. Osmanabad has been transferred to Sina Madha Project Division, Bhima Nagar, District Solapur.

2. The Learned Counsel for applicant argued that applicant's wife died on 7.10.1999 and his three children viz. elder son is studying for M.B.B.S. final year at Latur, daughter is in LTMMC

B. Hajela

...2.

Medical College, Sion, Mumbai and youngest son is in 12 Std. at Ahmadpur, District Latur. He contended that in order to enable applicant to look after his children, the applicant made a request by application dt. 7.12.2000 to transfer him from Osmanabad to Solapur. He contended that subsequently by another application dt. 11.4.2001, the applicant gave revised options for Solapur, Nasik Ahmednagar and Pune. The application moved is said to be for the reason that he can be in touch with his children, there being neither direct line by Railways at Osmanabad nor any medical college for study of his children. The Learned Counsel has argued that the applicant's wife is no more, he may be accommodated at any place as per his revised option. The Learned Counsel has also pointed out that since the applicant has been transferred to a remote area of Solapur District, he has moved an application on 13.6.2001 praying therein for retaining him at Osmanabad, which has also been rejected by Senior Accounts Officer. Counsel for applicant has also pointed out that applicant's request for his retention at Osmanabad on which the Accountant General (A&E-II), Maharashtra at Nagpur informed him that he may approach the Accountant General (A&E-I) Maharashtra, Mumbai for his retention in Osmanabad, which has also been complied with by the applicant, ^{but} that has also been of no avail, hence this Tribunal may at least retain him at Osmanabad.

3. The Learned Counsel for the applicant has failed to point out any illegality in the order, despite being specifically asked during arguments. His whole argument is directed for sympathetic consideration for retaining him at Osmanabad. The transfer of the applicant is on the administrative grounds. This Tribunal's

B. V. V. V.

power to interfere in transfer order is limited. It is open for a transferring authority to look into family problems and inconvenience of an Officer while transferring him or disposing of his representation for reconsideration of place where officer is transferred. He can have sympathetic approach looking into said effects. No such power vests in this Tribunal. This Tribunal may interfere with an order which may be bad due to mala fide or want of competence of officer passing transfer order, but it cannot interfere for the reason that the transfer to a particular place will cause inconvenience to officer transferred. The Learned Counsel for applicant could not point out any illegality in the order of transfer and therefore, the OA is liable to be dismissed.

4. The applicant has certainly moved the Accountant General (A&E-I), Mumbai. The only relief, which can be given to him in this OA is by directing the Accountant General (A&E-I), Mumbai to dispose of his representation dt. 1.8.2001 within a period of two weeks from the date of production of certified copy of this order. It is open for the Accountant General to whom the application/representation dt. 1.8.2001 is addressed to grant interim relief during the pendency of said representation, in case he considers it proper. However, as the applicant has been representing in this matter, it will be proper to direct the respondents not to take any action in case he does not report for duty for a period of one week from the date of disposal of this OA.

5. For aforesaid reasons, the OA is dismissed subject to direction that the Respondent No.2, Accountant General (A & E) I,

B. G. J. S. R.

...4.

Maharashtra shall dispose of the representation of the applicant himself or by an officer subordinate who is competent to dispose of the same. It is also ordered that respondents will not take any action against the applicant for not reporting at transferred place in case he reports at said place within one week. No costs.

B. Dikshit
(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.