

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No.355/2001.

Dated This Thursday the 30th August, 2001.

Coram : Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Shri G.C. Srivastava, Member (A).

Shri Sampath Limbaji,
working as Gangman (Group D)
under Senior Engineer (PWI) Lasoor,
residing at Gopinath Nagar,
At Post Lasoor Station,
Taluka Gangapur,
Dist. Aurangabad - 423002.

.. Applicant.

Applicant by Shri S.S. Karkera, Advocate.

Vs.

1. Union of India, through
the General Manager,
South Central Railway,
Hyderabad.
2. The Divisional Railway Manager (P)
South Central Railway,
Hyderabad.

.. Respondents.

Respondents by Shri R.R. Shetty, Advocate.

O R D E R (Oral)
[Per : Shri G.C. Srivastava, Member (A)]

In this O.A. the applicant is aggrieved on account of the order of transfer dated 19.1.2001 (Exhibit A) transferring him from Lasoor to Akot. The main ground taken by the applicant in challenging the impugned order is that he has been transferred to the present place of posting only about 4 months back. On the basis of his representation that it will be easier to look after his old aged parents from Lasoor, ^{he} ~~he~~ was accommodated at Lasoor by order dated 11.9.2000 (Exhibit E). However, by impugned order he has been re-transferred to Akot. He made a representation dated 8.3.2001 for considering his request to retain him at Lasoor itself on the ground ^{of} ~~of~~ family circumstances ...2...

mentioned above. The respondents have not considered the representation of the applicant and rejected the request stating that his transfer to Lasoor was earlier made irregularly in as much as prior to him 13 senior employees who have requested for transfer to Jalna were registered and pending and that the applicant's transfer to Akot has been made in order to rectify the said irregularity. While issuing notices to the Respondents an interim order staying the transfer order was passed by this Tribunal.

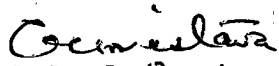
2. We have examined the O.A. carefully. We are aware that in transfer matters jurisdiction of the Tribunal is very limited and as per the settled position of law Tribunal can interfere in such matters only in exceptional cases where the transfer is malafide or punitive in nature or in violation of Rules. In the instant case the Learned Counsel for the applicant has simply stated that this transfer order is issued in order to harras the applicant but no evidence is forthcoming to show that the transfer order is issued with this end in view. ^{leg} The other argument advanced by the Learned Counsel for the applicant is that the respondents have issued this order in order to benefit some other employees.

3. We have perused the papers and find that the Respondents have mentioned the list of employees who make request of transfer from time to time and in the instant case they have clearly mentioned that there are 13 other senior employees who have

requested for transfer to Jalna and their cases are pending for consideration. Mr.R.R. Shetty, Learned Counsel for the Respondents who is present clarifies that Jalna and Lasoor are different places of the same division and all Class IV employees including the applicant have to work and liable to be transferred within the same division.

4. We therefore do not find any justification for interference in the impugned transfer order as the transfer has been made in administrative exigencies and in order to correct administrative bonafide error. Therefore we find that OA is devoid of merit and deserves to be rejected.

5. The O.A. is accordingly hereby rejected. The interim order granted earlier stands vacated. There will be no order as to costs.


(G.C. SriVastava)
Member (A)


(Birendra Dikshit)
Vice Chairman.

H.