

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET

Application No 1782 of 198 6 (1-)

Applicant

Pankaj

Advocate for Applicant

Sh. K-S. Ramamurthy

Respondent

O.P. H.G. T.Rg. Cond.(v) A.F.

Bangalore class

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
28-10-86.	<p><i>This application is praying for with original directions to Registrar in 7/10 orders dt 10-9-86 & 25-9-86 or in the alternative ensure the same. (Annex A & B).</i></p> <p><i>Interim order: Stay the operation of the above said orders.</i></p> <p><i>As directed by the Registrar to applications as registered and is being placed before the Bench for Preliminary lg. & admission on 29-10-86.</i></p> <p><i>I.O.s are removed.</i></p> <p><i>28-10-86.</i></p> <p align="center">29-10-86</p> <p align="center">Before -</p> <p><i>The Hon'ble Mr Justice K.S. Puttaswamy V.C</i></p> <p><i>The Hon'ble Sri L.H.A. Rego (M.A.)</i></p> <p><i>Sh. K-S. Ramamurthy for A</i></p> <p><i>Application is rejected order dictated</i></p>	<p>KSP(VC)/LHAR 29.10.86</p> <p align="center"><u>ORDER</u></p> <p>In this application made under section 19 of the Administrative Tribunals Act, 1985 (the Act), the applicant has challenged orders dated 10th September and 25th September 1986 (Annexures A and B) made by the authorities specified therein.</p> <p>2. The applicant was working as a Stenographer Grade I in the office of Respondent No.2 from 1971 onwards. On 10th September 1986, respondent No.2 had transferred the applicant in public interest to the office of the Aircraft System Training Establishment situated near Hindustan Aircraft Ltd. On receipt of the transfer order, the applicant made representation to respondent No.3 through respondent No.1 for its cancellation which has been rejected by respondent No.1.</p> <p>3. The applicant has urged that the transfer made by respondent No.2 and the refusal of respondent No.3 to remedy the injustice are unjustified and illegal. She has urged that respondent No.2 had transferred her to accommodate one Smt. Shantha Sethumadhavan, a Stenographer, whose husband was also working in that very office.</p> <p>4. Shri K.S. Ramamurthy, learned counsel for the applicant, contends that the transfer order had been made by the authority in contravention of the guidelines regulating transfers and was illegal.</p>

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5. In the order of transfer, the authority had stated that the transfer was made in the public interest. A transfer is only incident of service and is not even a condition of service. When an authority finds that the services of the applicant had to be transferred to another office that too when the same is within or near the city of Bangalore, this Tribunal cannot examine that order as if it is appeal and come to a different conclusion. On this short ground, the challenge of the applicant is likely to be rejected.

6. On an examination of the representation made by the applicant to Respondent No.1 who is the highest authority ~~and~~/higher authority to the one that had made the transfer had rejected the same. The fact that the applicant had addressed the representation to the Chief of the Air Staff, did not take away the power of the Wing Commander to consider the same and reject the same. We find no merit in this contention of the applicant.

7. Shri Ramamurthy lastly contends that the transfer was vitiated by mala fides.

8. We have carefully examined the pleadings and the documents produced by the applicant in support of this contention. We are of the view that the allegations of mala fide made by the applicant are vague and general and do not even call for a detailed examination so as to justify the admission of this application.

9. As all the contentions urged by the applicant fail, this application is liable to be rejected. We therefore reject this application without notice to the respondents.

Ms. D. Murthy
(K.S. PUTTASWAMY) 29/10
VICE-CHAIRMAN
29.10.86

(L.H.A. REGO)
Member (A)
29.10.86

27-1-87 order dt. 29-10-86
issued to all the
Parties Concerned.
TRB.