

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 30-11-87

APPLICATION NO 1007 /87 (T)
W.P.No. 5710/83

APPLICANT

Shri Mohinder Lal

Vs

RESPONDENTS

The Secy, M/o Defence & 4 Ors

To

1. Shri Mohinder Lal
Attached Officer
Office of the Director,
Defence Land & Cantonment
Central Command
Lucknow (U.P.)

6. The Director
Defence Land & Cantonment
Central Command
Lucknow

2. Shri Balakrishna Shastry
Advocate
'Srinidhi'
No. 10/7-1, Kumara Krupa Road
Near Gandhi Bhavan, High Grounds
Bangalore - 560 001

7. Shri C.K. More
Cantonment Executive Officer
Defence Lands & Cantonment
Ministry of Defence
Balgaum

3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011

8. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

4. The Director General
Directorate of Defence Lands & Cantonments
R.K. Puram (West Block)
New Delhi - 110 066

5. The Director
Defence Lands & Cantonments
Ministry of Defence
Southern Command
Pune

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~ORDER~~/
~~ORDER~~ passed by this Tribunal in the above said application
on 23-11-87

RECEIVED 8 copies 1/12/87

Diary No. 14.10.1/CR/87

Date: 2-12-87 B

Encl: as above.

R.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

QC

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 23RD DAY OF NOVEMBER, 1987

Present

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1007/1987

Shri Mohinder Lal,
S/o Shri Nazar Ram,
aged about 32 years,
Attached Officer,
D.L.&C in the O/o the
Director,
Central Command,
Lucknow.

.... Applicant.

(Shri Balakrishna Shastry, Advocate)

v.

1. The Government of India,
Represented by its Secretary,
Ministry of Defence,
New Delhi.
2. Directorate General,
Defence Lands and Cantonment,
New Delhi.
3. The Director,
Defence Lands & Cantonments,
Ministry of Defence,
Southern Command,
Pune.
4. The Director,
Defence Land and Cantonment,
Central Command,
Lucknow.
5. Sri C.K. More, Major,
Cantonment Executive Officer,
Babina Cantonment,
Lucknow. Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

This is a transferred application and is received
the
from/High Court of Karnataka under Section 29 of the
Administrative Tribunals Act, 1985 ('the Act').

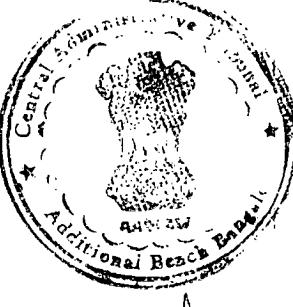


2. Prior to 3rd March, 1983, the applicant was working as a Civilian Employee in the office of the Cantonment Executive Officer, Belgaum Cantonment. On 3.3.1983, the Director General of Defence, Lands and Cantonment ('DG') transferred the applicant from Belgaum to Lucknow, posting respondent-5 in his place. In Writ Petition No.5710 of 1983, the applicant challenged the same before the High Court, which on 18.3.1983 issued Rule nisi and stayed its operation. But, on 19.4.1983, the High Court vacated the ex parte interim order, issued on 18.3.1983. With that, the applicant was relieved at Belgaum and he thereon reported for duty at Lucknow.

3. Shri G. Balakrishna Shastry, learned Counsel for the applicant, contends that the transfer made by the DG was wholly unjustified and illegal.

4. Shri M.S. Padmarajaiah, learned Senior Standing Counsel for Central Government, appearing for respondents 1 to 4, contends that the transfer of the applicant and others had been made in the public interest and there were no grounds to interfere with the same.

5. In his order, made on 3.3.1983 the DG transferred the applicant, respondent-5 and others in the public interest. The power of the DG to transfer the applicant and others is not disputed by Shri Shastry. If that is so, then the order of transfer made by the DG in the public interest cannot be interfered by this Tribunal. On this view the challenge to the impugned order is liable to be rejected.



6. Even otherwise, with the vacation of the stay order, the order of transfer made on 3.3.1983 had been implemented. On this ground also, this is not a fit case for our interference at this distance of time.

7. On any view of the matter, this application is liable to be dismissed. We, therefore, dismiss the same. But, in the circumstances of the case, we direct the parties to bear their own costs.

sd/-

Vice-Chairman 23/11/87

Kms/Mrv.

sd/-

Member (A) 23-11-87

-TRUE COPY-



Pr. Mukund
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL (B)
ADDITIONAL BENCH
BANGALORE