

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)

Indiranagar

Bangalore - 560 038

Dated : 27-1-88

APPLICATION NO

49

/88(F)

W.P. NO.

Applicant

Shri G. Mathew

To

Respondent

V/s

The Chief Engineer, Southern Command, Pune
& 3 Ors

1. Shri G. Mathew
Upper Division Clerk
Command Works Engineers
Dickenson Road
Bangalore - 560 042

2. Shri A. Lakshminarayana
Advocate
No. 1, II Floor
SSB Mutt Building, K.G. Circle
Bangalore -560 009

RECEIVED (Dms) 28/1/88

Diary No. 1654/CR/88

Date: 28-1-88

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/ADVISORY/INTERIM ORDER
passed by this Tribunal in the above said application on 14-1-88.

R. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

8/2

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE**

DATED THIS THE 14TH DAY OF JANUARY, 1988

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

APPLICATION NO. 49/1988

Shri G. Mathew,
s/o Verghese,
UDC, Commander Works Engineers,
Dickenson Road,
Bangalore-42. Applicant.

(Shri A. Lakshminarayan, Advocate)

v

1. The Chief Engineer,
Southern Command,
Pune.
 2. Chief Engineer,
Madras Zone, St. Fort,
Madras.
 3. Commander Works Engineers,
Dickenson Road,
Bangalore.
 4. Garrison Engineer (South),
No.2, Ulsoor Road,
Bangalore. Respondents.

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

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Prior to 8th May, 1987, the applicant, was working as a Civilian Clerk in the office of the



Garrison Engineer, Vasco-da-Gama, Goa (GEG). On 8th May 1987 (Annexure-A), the GEG transferred the applicant from Goa to the office of the Commander Works Engineer, Bangalore (CWE), and in pursuance of the same, the applicant had reported for duty at Bangalore on 26th June, 1987 and has been working eversince then at Bangalore.

3. Even before his transfer to Bangalore, the applicant had represented to GEG to transfer him to any one of the places of his choice like Cochin, Trivandrum, Cannanore, Ezhimalai, Tirunelveli, which was not acceded to by him, which he renewed at Bangalore also and the same also stands rejected by the GEG.

4. While at Bangalore on 26.6.1987 (Annexure-C) the Commander had attached and posted the applicant to another office of the City.

5. Aggrieved by his non-transfer to any of the places of his choice as also the posting to another office in the city of Bangalore, the applicant has approached this Tribunal for appropriate reliefs.

6. Shri A. Lakshminarayan, learned Counsel for the applicant, contends that the refusal of the GEG to transfer his client from Bangalore to one of the places of his choice with due regard to his health and other conditions was arbitrary and illegal and this is a fit case in which this Tribunal should interfere with the action of the authorities and direct them to give him a posting to any one of the places of his choice.



7. On an examination of the claim made by the applicant, the authorities had found that it was not possible to post him to one of the places of his choice and such a decision cannot be examined by us as if we are a Court of Appeal and reach a different conclusion. We cannot therefore interfere with that action and compel the authorities to give a posting to the applicant to the place of his choice.

8. We are also of the view that the challenge of the applicant to his attachment or posting at another office is equally unmerited and untenable. After all, it is not open to a civil servant to compel a competent authority to retain him in the head office only and not post him to a subordinate office.

9. As to where an official should work, is a matter for the authority to examine and decide. We cannot arrogate to ourselves that power and compel the authorities to give postings and work orders in the manner an official desires.

10. On any view of the matter, this application which is devoid of merit, is liable to be rejected. We, therefore, reject this application at the admission stage, without notices to the respondents.

Sd/-

Vice-Chairman 14/1/85

Sd/-

Member (A) 14/1/85

TRUE COPY

kms/Mrv.

R. V. Venkateshwaran
DEPUTY REGISTRAR (JDLS)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE