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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

**BOMBAY BENCH**

O.A. No. 464/91 198  
~~RAx No~~

DATE OF DECISION 27.9.1991

Shri U.R.Kanasavi **Petitioner**

Shri G.D.Samant **Advocate for the Petitioner(s)**

**Versus**

Union of India & Ors. **Respondent**

Shri J.G.Sawant. **Advocate for the Respondent(s)**

**CORAM :**

**The Hon'ble Mr. A.B.Gorthi, Member(A).**

**The Hon'ble Mr.**

1. Whether Reporters of local papers may be allowed to see the Judgement? >
2. To be referred to the Reporter or not? >
3. Whether their Lordships wish to see the fair copy of the Judgement? >
4. Whether it needs to be circulated to other Benches of the Tribunal? >

MGIPRRND-12 CAT/86-3-12-86-15,000

*A.B.Gorthi*  
(A.B.GORTHY)  
MEMBER (A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

Original Application No. 464 of 1991

Shri U.R.Kanasavi

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Applicant

Vs.

Union of India & Others

....

Respondents.

Coram: Hon'ble Member(A), Shri A.B.Gorthi.

Appearances:-

Applicant by Mr.G.D. Samant.

Respondents by Mr.J.G. Sawant.

Oral Judgment:-

¶ Per Shri A.B.Gorthi, Member(A) ¶ Dated: 27.9.1991

Aggrieved by an order of transfer issued by Respondent No.1 the applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 requesting the Tribunal's intervention to declare the said transfer order as bad in law and to cancel the same.

2. The applicant belongs to the Station Master Cadre, Solapur Division, Central Railway. He had an unblemished record of service of about 27 years till he was posted under one Shri V. Prakashrao, Divisional Operating Superintendent. The applicant was served with a charge sheet on 12.7.1988 and after an inquiry was dismissed from the service, but the appellate authority reduced the penalty to one of withholding of increment for a period of 6 months only. However, simultaneously he was transferred in the same grade from Solapur to Kulali in February, 1989. He hardly served for two years at Kulali when he was once again transferred to Aunsa Road Station vide impugned order dated 12.4.1991. The case of the applicant is that the transfer order is punitive in nature and establishes

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the vindictive attitude of his superior authorities towards him.

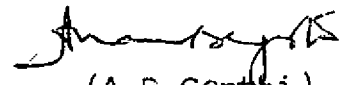
3. The respondents in their written statement have clarified that the functioning of the applicant at Kulali was far from satisfactory. Kulali is an important station situated on Bombay-Madras Trunk route over which important Goods, Mail/Express traffic moves. There were complaints from Supervisors and Controllers against the non-cooperative and obstructive attitude of the applicant in the discharge of his duties. Concerned with this problem, the competent authority decided to shift the applicant to a smaller and comparatively insignificant station like Aunsa Road from where the applicant may not be able to adversely affect the smooth functioning of the Railways. The learned counsel for the respondents has placed reliance on the case of Union of India Vs. H.N. Kirtania 1989(11) ATC 269, wherein their Lordships of the Supreme Court categorically held that it would be undesirable to interfere with transfer order unless there are strong grounds to show that it was prompted by malafides or that it was issued in violation of any statutory rules.

4. The learned counsel for the applicant has elaborately dealt with the difficulties that the applicant would face if he has to move to Aunsa Road Station. The applicant has a large family staying at Solapur where he is paying Rs.965/ per month as rent of public rate for the Government accommodation that his family continues to occupy. In the matter of his children's education also he would be greatly handicapped if he is stationed at such a remote place as Aunsa Road Station.

5. The transfer of any employee would invariably involve certain hardships and difficulties to the employee, but

it is well settled that transfer is an incident of public service and a Central Government employee should be prepared to move wherever he is ordered to. I am not convinced that the transfer order in the instant case has been issued out of malafides. The respondents have made it very clear that it was with a view to ensure the smooth and efficient functioning of the organisation that they were compelled to transfer the applicant to a small station situated in a remote area.

6. In the result, the application is dismissed without any order as to costs.

  
(A.E. Gorthi)  
MEMBER (A ).

Date: 27.9.91.