

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

2

O.A. NO: 539/92

199

T.A. NO:

DATE OF DECISION 9-6-92

Shri U.B.Solani

Petitioner

Shri I.J.Naik

Advocate for the Petitioners

Versus

Union of India

Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

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 ?

No

S.K.Dhaon
(S.K.Dhaon)
Vice-Chairman

mbm*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY.

OA No.539/92

Date of decision: 9.6.1992.

Sh.U.B.Solanki

...

Applicant

versus

Union of India through
Administrator, Union ... Respondents
Territory of Dadra
and Nagar Haveli &
others.

CORAM: THE HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN (J)
THE HON'BLE MR.M.Y.PRIOLKAR, MEMBER (A)

For the Applicant Sh.I.J.Naik, Counsel.

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR.JUSTICE S.K.DHAON,
VICE CHAIRMAN)

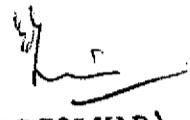
By a common order dated 28.5.1992 Assistant Director of Education, Dadra and Nagar Haveli transferred not less than 40 Assistant Teachers of the Higher Secondary School. The applicant is one of such teachers and feels aggrieved by this transfer. Hence this petition.

2. The grievance of the petitioner is that formerly he was teaching the students of the Higher Secondary Section. As a result of his transfer, he would be teaching the students of High School class. We find that a host of teachers, who had been assigned the task of taking up Higher Secondary classes have been transferred by the impugned order and they will now be required to take up High School classes only. Hence, it cannot be said that the authority passing the order of transfer either acted in a discriminatory manner or its action is arbitrary.

3. Transfer is an incident of service. In absence of any mala-fide on the part of the transferring authority, in a normal situation no exception can be taken to an order of transfer. We are, therefore, not

in a position to grant any relief to petitioner. However, it will be open to him to make a representation to the higher authority. If this is done, the authority concerned will look into this matter.

4. With these observations this petition is dismissed summarily.


(M.Y.PRIOLKAR)
MEMBER (A)

Sly
(S.K.DHAON)
VICE-CHAIRMAN (J)