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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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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


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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)  
Vice-Chairman

mbm\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
BOMBAY.

OA No.539/92

Date of decision:9.6.1992.

Sh.U.B.Solanki

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Applicant

versus

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

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Respondents

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

For the Applicant

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Sh.I.J.Naik, Counsel.

JUDGEMENT (ORAL)

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

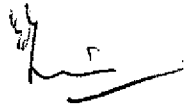
By a common order dated 28.5.1992 Assistant  
Director of Education, Dadra and Nagar Haveli transferred  
not less than 40 Assistant Teachers of the Higher  
Secondary School. The applicant is one of such teachers  
and feels aggrieved by this transfer. Hence this petition.

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)

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