

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 703 of 1992

Transfer Application No:

DATE OF DECISION 7.1.93

Kedu Haribhau Rayate Petitioner

Mr. M S Karnik Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. P M Pradhan Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ShriXXXXXXXXXXXXXXXXXXXX

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 ?

Vice Chairman

NS/

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A. NO. 703/92

KEDU HARIBHAU RAYATE
Residing at & Post Sinnar
Gamgavesj
Mitra Jyot
Dist. Nasik

Applicant

V/s.

1. Union of India
through Respondent no.2
2. Principal Collector
Central Excise and Customs
Central Excise Buidling
M K Road; Churchgate
Bombay 20
3. Collector
Central Excise and Customs
Surana Complex; Mondha Road
Aurangabad
4. Assistant Collector
Central Exchise & Customs
Kendriya Rajaswa Bhavan
Old Agra Road;
Nasik

Respondents

Coram: Hon. Shri Justice S K Dhaon, Vice Chairman

APPEARANCE:

Mr. M S Karnik
Counsel
for the applicant

Mr. P M Pradhan
Counsel
for the respondents

4

ORAL JUDGMENT:

DATED: 7.1.1993

The order dated 8.6.92 passed by A V Karkhanis, Deputy Collector, transferring the applicant, a sepoy, from Nasik First Division to Nanded is being impugned in the present application. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard.

The crux of the argument in support of this application is that the order of transfer has been passed on extraneous consideration. The allegation is that some company made complaints about the conduct of the applicant and that the applicant should be transferred. This allegation is denied by the respondents. In the reply it is stated that the applicant had been transferred on administrative grounds and in public interest as complaints had been received concerning the working of the applicant, a sepoy. It is to be noted that ^{neither} Mr. Karkhanis has been impleaded as one of the respondents to the application in person nor the Deputy Collector (P&V), the authority who passed the order has been impleaded. No allegation of malafide, whatsoever, against Mr. Karkhanis has been ^{made} raised. Therefore, no ground for interfering with the order of transfer exists.

The application is rejected but without any order as to costs.

(S K Dhaon)
Vice Chairman