

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 476/93 198
T.A. No.

DATE OF DECISION 18.5.1993

Shri M.C.Chandan Petitioner

Shri P.G.Zare. Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V.D.Deshmukh, Member(J).

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?

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

(V.D.DESHMUKH)
MEMBER (J).

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH.

Original Application No.476/93.

Shri M.C.Chandan.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri V.D.Deshmukh, Member(J).

Appearances:

Applicant by Shri P.G.Zare.

Oral Judgment:-

{Per Shri V.D.Deshmukh, Member(J)} Dated: 18.5.1993.

Heard Shri P.G.Zare for the applicant.


2. This application is directed against the impugned order dt.3.5.1993 under which the applicant is transferred from Akola to Murtzapur which is not a far away place from his present station.

3. The learned advocate for the applicant relies upon the guidelines to the effect that the transfer of SC & ST employees should be confined to their native Districts or adjoining Districts or places where the administration can provide quarters. He also relies upon the guidelines that an employee^{due} to retire within a period of two years should be normally excluded from the purview of orders regarding periodical transfers. Although the Railway Administration has to take into consideration these guidelines they do not have the force of statutory rules. The application does not show that the impugned order is vitiated by mala fides or is contrary to the statutory rules. In view of the Judgment of the Hon'ble Supreme Court in the case of Shilpi Bose and Others V/s. State of Bihar & Others (AIR 1991 S.C. 532) the Courts cannot interfere with the

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transfer order^s unless it is mala fide or contrary to mandatory to statutory rules. The transfer order^s cannot be interfered with even though it is shown that they are contrary to executive instructions or orders or on compassionate grounds. In view of this decision there is no substance in the present application. However, it is stated that the appeal filed by the applicant is pending before the Divisional Railway Manager, Bhusaval. This application can be disposed of by giving suitable directions regarding the appeal. Hence the following order. The Divisional Railway Manager, Bhusaval shall dispose of the appeal filed by the applicant after considering all the points raised by the applicant including the points mentioned in the present order within four weeks.

4. The application is disposed of with the above order, at the admission stage.



(V.D. DESHMUKH)
MEMBER(J)

B.