

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

R.P.NO. 3/95

in

OA.NO. 981/94

Shri Bhagwan Bhaaji Ingale ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

TRIBUNAL'S ORDER BY CIRCULATION
(PER: P.P.SRIVASTAVA, MEMBER (A))

Dated: 20.3.95

The applicant has brought out in the review application that his transfer is punitive and is an abuse of administrative discretion. He has also brought out that his transfer is against the general guidelines laid down by the Government of India. The applicant further mentioned that the transfer order of SC/ST cannot be made as there are circulars and orders which are statutory and mandatory and transfer orders cannot be made in violation of any statutory or mandatory orders. He has also mentioned that his transfer has been made in the mid-session and his children's education will be disturbed by the transfer. He has, therefore, prayed that the order passed by the Tribunal dismissing the application may be reviewed, alternatively the applicant has prayed that the respondents be directed to give the applicant posting in a nearby Exchange.

2. We have considered the above submissions made by the applicant. It is now well established that Judicial interference in the matter of transfer could be made if there is a violation of any statutory provisions or the order is biased. In the present review application

although the applicant has tried to bring the question of the transfer being punitive, and is based on extraneous considerations, but he has not brought out any charge of vindictiveness or bias specifically against any individual. In the absence of any specific instances which could be inquired into, it is not possible to come to the conclusion about the transfer being punitive or biased.

3. Regarding the submission of the applicant that the Circulars of the Government of India concerning transfer of SC/ST officials are mandatory, he has not specifically appended any such Circular with the review application. The applicant had made submissions that he being a SC candidate cannot be transferred in his OA, and these were considered at the time of hearing of original application.

4. We, therefore, cannot come to the conclusion that there is any vindictiveness or bias on the part of the respondents in the absence of any specific charge against someone. Also there is no material for us to come to the conclusion that there is any mandatory order prohibiting transfer order of SC/ST candidates.

5. We, therefore, see no merit in the review petition and the same is dismissed in-remini.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.