

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 952/97

Date of Decision: 23.10.97

Anit Kumar

Applicant.

Mr. G.S. Walia

Advocate for
Applicant.

Versus

U.O.I. & Ors.

Respondent(s)

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. R.G. Vaidyanatha, V.C.

Hon'ble Shri.

- (1) To be referred to the Reporter or not? ~~~
- (2) Whether it needs to be circulated to other Benches of the Tribunal? ~~~

R. G. Vaidyanatha
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESCOT ROAD, MUMBAI 400001

O.A.No. 952/97

DATED : 23.10.1997

CORAM : Hon'ble Shri Justice R G Vaidyanatha, V.C.

Anit Kumar
C/o. G S Walia,
Advocate, High Court
Industrial Traders Bldg.,
Opp. Maharashtra State
Cooperative Bank
Nagindas Master Road
Fort, Mumbai 400023
(By Mr. G S Walia, counsel)

..Applicant

V/s.

1. Union of India
through General Manager
Western Railway
Head Quarters Office
Churchgate, Mumbai 400020

2. Financial Advisor and
Chief Accounts Officer
Headquarters Office
Mumbai 400020

..Respondents

ORDER

[Per: R G Vaidyanatha, Vice Chairman]

1. This is an application under section 19 of the Administrative Tribunals Act, 1985 challenging the order of transfer dated 8.10.97 issued by the Western Railway. Heard Mr. G S Walia, learned counsel for the applicant. After hearing the counsel for the applicant I do not think that any case is made out for admission or issuing notices or for interim relief. The applicant is working as Senior Inspector of Stores (Accounts) in Western Railway and he is transferred from Stores at Parel to Churchgate at Mumbai. According to the applicant this order of transfer is illegal and contrary to the law.

2. It is well settled that the judicial review regarding transfer is very limited. It is settled law that an order of transfer cannot be interfered with by the Courts or Tribunals unless allegations of malafide are made out or the order of transfer is contrary to any statutory rule of law.


3. In the present case admittedly there are no allegations of malafides.

4. The only contention of the learned counsel for the Applicant is that as per the circular dated 21.7.84 officers working in sensitive posts must be transferred from one station to another station after every four years. It is true that the circular dated 21.7.84 mentions transfer once in every four years, but it does not say the transfer must be from one station to another station. It only states that an officer should be transferred once in four years. In the present case the applicant has completed four years at Parel Stores and therefore he has been rightly transferred. The argument that he cannot be transferred to Stores at Churchgate, Mumbai, but he should be transferred to Ajmer does not merit consideration and does not flow from the circular dated 21.7.84. The circular mentions only about transfer and therefore it could be transfer from one office to another office in the same city or to different place.



It does not give any legal right to the applicant to approach this Tribunal to agitate the transfer. Whether the applicant is to be transferred to Ajmer or to any other place is left to the administration and not for this Tribunal to decide. I therefore find that there is no merit in the application and hence no notice is necessary to the respondents.

5. In the result, the application is rejected at the admission stage. Of course this order will not come in the way of the applicant's request for transfer to Ajmer on the basis of name in the Register or on his representation on personal grounds, humanitarian grounds etc. No costs.



(R G Vaidyanatha)

Vice Chairman

trk