

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 157/98.

Date of Decision: MARCH 05, 1998.

Shriram T. Dhamne,

Applicant.

None present.

Advocate for
Applicant.

Versus

Union Of India & Anr.

Respondent(s)

Shri A. B. Chaudhary for
Shri M. G. Bhangde,

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

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- (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
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 157/98.

Dated this Thursday, the 5th day of March, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

Shriram T. Dhamne,
Resident of -
68, Pande Layout,
Khamla Road,
Nagpur - 440 025. | ... Applicant
(None present)

VERSUS

1. Chief Labour Commissioner
(Central),
Shram Shakti Bhavan,
Rafi Marg,
New Delhi.
2. Regional Labour Commissioner,
(Central), C.G.O. Complex,
Block 'C', First Floor,
Seminary Hills,
Nagpur - 440 006. | ... Respondents.

(By Advocate Shri A.B. Chaudhary
for Shri M. G. Bhangde).

: OPEN COURT ORDER :

[PER.: SHRI R.G. VAIDYANATHA, VICE-CHAIRMAN]

The applicant and his counsel absent.

Respondents' Counsel present. The Learned Counsel for
the respondents appears and opposes the O.A.

This case was taken up at Nagpur Sitting
on 12.02.1998 and specifically posted to 05.03.1998
to be heard at Bombay but the applicant and his counsel
are absent.

2. The Learned Counsel for the respondents points

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out that in view of the order of transfer, the applicant was relieved of his present post on 16.01.1998. He also points out that the applicant had to be transferred because he was involved in a trap case of corruption and he could not be retained at Nagpur in the interest of investigation and administration.

It is well known that transfer is incidence of service. The jurisdiction of the Tribunal to interfere with an order of transfer is very very limited. The transfer can be interfered with if it is made on the ground of malafide, or if it is in violation of statutory rules. Nothing is made out to interfere with the order of transfer.

Mere inconvenience to the applicant or family trouble is not a ground for this Tribunal to interfere with the order of transfer. This Tribunal cannot sit in appeal against the order of transfer passed by the administration. However, since the applicant has pleaded some family difficulties, it is open to the respondents to consider whether it is possible to accomodate the applicant in a place nearer to Nagpur than the present posting at Dhanbad, Bihar. It is also open to the applicant to make a representation to the respondents to give him a posting to some nearer place and if such a representation is made, the respondents may consider it sympathetically and pass appropriate order according to rules.

3. In the result, the application is rejected at the admission stage. In the circumstances of the case, there will be no order as to costs.

Ramamurti

(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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