

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 420/98.

Date of Decision : 04.06.1998.

S. N. Joshi.

Petitioner.

Shri V. K. Alwar,

Advocate for the
Petitioner.

VERSUS

Union Of India & Another

Respondent.

Shri R. R. Shetty

Advocate for the
Respondents.

CORAM :

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

(i) To be referred to the Reporter or not ? *vv*

(ii) Whether it needs to be circulated to *vv*
other Benches of the Tribunal.

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

os*

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 420/98.

Dated this Thursday, the 4th day of June, 1998.

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

S. N. Joshi,
Residing at -
15, Sharmilee,
Opp. Chinar Hotel,
Karjat Road, Kulgaon(E),
Pin Code - 421 503,
Dist. Thane.

Employed as -
Sr. Auditor, A/C No. 830 4584,
O/o. LAO (CSD), Sewree,
Mumbai - 400 033.

(By Advocate Shri V.K. Alwar)

... Applicant

1. Union Of India through
The Controller General Of
Defence Accounts,
West Block, V.R.K. Puram,
New Delhi - 110 066.

2. The Controller of Defence
Accounts (Canteen Stores
Department),
'Adelphi', 119 M.K. Road,
Mumbai - 400 020.

(By Advocate Shri R. R. Shetty)

... Respondents.

: OPEN COURT ORDER :

(PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN)

This is an application challenging the order
of transfer dated 12.12.1997. The Learned Counsel for the
respondents, Shri R. R. Shetty, orally opposes admission
of the O.A. I have heard the Learned Counsels appearing
on both sides.

...2

frs

2. The applicant who is working as Sr. Auditor in the Office of the Controller General of Defence Accounts, was transferred by the impugned order dated 12.12.1997 to the Local Audit Office at Bombay from the Head Office at Bombay.

After hearing both the Counsels and perusing the allegations made in the application, I do not find any ground to admit the O.A. It is well settled that transfer is an incident of service and nobody can therefore complain against transfer due to some personal difficulties or inconvenience. It is now fairly well settled by number of decisions of the Apex Court that an order of transfer cannot be interferred with by a Court or Tribunal, unless the order ~~refers some~~ ^{suffers from} malafides or is contrary to any statutory rules.

It may be that there are some guidelines governing the transfer policy. The administration is the best person to decide about transfer of an official. The Court or Tribunal cannot sit in appeal over the decision of the administration on the question of transfer. Mere personal difficulties or inconvenience are no grounds to interefere with an order of transfer. In my view, no case is made out for interefering with the order of transfer, particularly when the order was issued in December 1997 and the applicant has already been relieved and he has already joined the new job in the transferred place.

: 3 :

3. In the ~~Result~~, the O.A. is rejected
at the admission stage. No costs.

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

OS*