

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR.

O.A.NO. 869/92 : Date of order 17.5.93

Man Singh & Ors. : Applicant's

VS.

U.O.I. & Ors. : Respondents.

Mr. Manish Bhandari ; Counsel for the respondents.

CORAM:

PER HON'BLE MR.GOPAL KRISHNA, JUDL.MEMBER

Applicant's Man Singh, Nana Lal & Chunnilal have filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 23/24-8-90 passed by the respondent No.2 whereby they were transferred from Ajmer, to Abu Road.

2. The averments of the applicants are that they belong to Scheduled Castes and they were posted at Loco Shed, Ajmer as Diesel Assistants. They were working at the Loco Shed, Ajmer as Diesel Assistants since their posting as such w.e.f. 26.4.90, & 24.4.89 respectively. It is stated that the transfer was made without any reason in the mid of educational session from Ajmer to Abu Road in an arbitrary manner by a common order, which order is against the policy of transfer of S.C. & S.T., employees in order to accommodate certain interested persons.

3. The application has been contested on behalf of the respondents. It is alleged that the applicants were transferred to Abu Road on the same pay scale and these applicants were drafted from the post of

Fireman-I Ajmer, to Diesel Assistant at Abu Road vide office order dated 28.11.1988. It is contended that the aforesaid transfer was made in the exigencies of service and in the interest of Administration and the circulars referred to by the applicants do not render the transfer order invalid or illegal.

4. None is present on behalf of the applicants. None was present for the applicants on the preceding two dates also. I have heard the learned counsel for the respondents and perused the records.

5. The point for determination is whether the impugned order of transfer calls for judicial intervention. The applicant's could not establish that the impugned order was issued with a view to accommodating any interested persons and that there was any colourable exercise of power. It is true that the transfers of the S.C./S.T. Employees are to be made very rarely for very strong reasons. The applicants have remained at Ajmer for a considerable time. The transfer order has been assailed on grounds which are vague. It appears that the applicants want to remain at Ajmer at any cost. It is evident that the transfer order was issued in the interest of administration due to compelling reasons. However, the exigencies of service and the interest of Administration must take precedence over any other consideration. The disturbance in the education of children caused by an order of transfer is no ground for challenging the same. If the applicants were aggrieved by the impugned order of transfer on account of personal inconveniences they should have made representations to the concerned authorities regarding their grievance.

The applicants were not transferred to a far off place and they had already served earlier at Abu Road. No malafides could be alleged against the transferring authority. The impugned order of transfer was not passed in violation of any Statutory Rules. The learned counsel for the respondents relied on 1992 Supreme Court Cases (L&S) 127 Shilpi Bose (Mrs.) and Others Vs. State of Bihar and Others wherein the Hon'ble Supreme Court observed at page 129 as follows.

" In our opinion the courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders."

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6. In view of the above discussion this application does not succeed and it is therefore dismissed with no order as to costs. The interim direction issued on 15.11.1990 is hereby vacated.

G.Krishna 17-5-93  
(GOPAL KRISHNA)  
Judl. Member

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Anil