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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 546/92

Date of Decision: 18-8-92

~~Ex. No.~~

Dr. S.N. Jadhav

Petitioner.

Mr. V. Jogayya Sharma

Advocate for
the Petitioner(s)

Versus

The State of A.P. and 3 others

Respondent.

Mr. D. Chanduranga Reddy

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

THE HON'BLE MR. C.J. Roy, Member (Judl.)

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1. Whether Reporters of local papers may be allowed to see the Judgment ?
 2. To be referred to the Reporters or not ?
 3. whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
 5. Remarks of Vice Chairman on Columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)


HRBS
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HCJR
M(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.546 of 1992

DATE OF JUDGMENT: 18/8 AUGUST, 1992

BETWEEN:

Dr. S.N.Jadhav

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Applicant

AND

1. The State of Andhra Pradesh
represented by its Principal Secretary,
Energy, Forests, Environment,
Science & Technology (For.II) Department,
Secretariat Buildings,
Hyderabad.
2. The Principal Chief Conservator of
Forests, Government of Andhra Pradesh,
Hyderabad.
3. Shri B.Venkat Reddy,
Forest Utilisation Officer,
Andhra Pradesh,
Hyderabad.
4. Union of India represented by
its Secretary,
Ministry of Environment and Forests,
New Delhi.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. V.Jogayya Sharma

COUNSEL FOR THE RESPONDENTS: Mr. N.Bhaskar Rao, Addl.CGSC
Mr. D.Panduranga Reddy,
Special Counsel for AP Govt.

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CORAM:

Hon'ble Shri R. Balasubramanian, Member (Admn.)

Hon'ble Shri C.J. Roy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J. ROY, MEMBER (JUDL.)

This application is filed by the applicant for a relief to call for the records relating to G.O. Rt. No. 466, Energy, Forests, Environment, Science & Technology (For. II) Department, dated 3.7.1992 of the Government of Andhra Pradesh and declare the same as illegal, arbitrary and without jurisdiction insofar as the applicant is concerned, and to compel the 1st and 2nd respondents to continue the applicant at present station (Warangal North) till he completes three years term, and ~~also~~ to grant such other reliefs as this Tribunal may deem fit and proper in the circumstances of the case.

2. The facts of the case in brief are as follows:-

The applicant who was selected to the Indian Forest Service in the year 1984, was posted as Divisional Forest Officer, Warangal North in November 1990. According to the applicant, the general period of retention in any particular station is three years. However, he was transferred to ^{Kannanaddi} Karimnagar even without his completing three years of service at Warangal vide orders G.O. Rt.

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No.466, dated 3.7.1992 issued by the 1st respondent herein. He averred that his transfer to Kamareddy was made only to accommodate the 3rd respondent herein who was posted as Forest Utilisation Officer, Hyderabad about seven months back and brought pressure to get himself transferred to Karimnagar or any other nearby place. The applicant was initially posted to Nirmal in April 1988, transferred to Nellore in June 1989 and again in November 1990 he was transferred to Warangal from Nellore. Thus, he has been disturbed thrice even before he completed his term of three years. This has affected the education of his children. The applicant states that the post to which he is now posted is vacant and the candidate who is posted in place of the 3rd respondent could be posted to Kamareddy, so that no other person would be affected. Hence, the applicant filed the present application for the said relief.

3. On behalf of the respondents 1 and 2, a counter is filed opposing the claim of the applicant on the ground that the transfer of the applicant was ordered along with the other officers keeping in view of the various administrative reasons and aptitude and competency of the officer to manage the posts. The applicant has handed over the charge of the post of Divisional Forest Officer, Warangal (North) Division to the 3rd respondent herein

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on the afternoon of 9.7.1992 and he joined in the new place of posting as Divisional Forest Officer, Kamareddy Division on 10.7.1992. Hence, the matter has become infructuous and the O.A. is liable to be dismissed.

4. We have heard Mr. V.Jogayya Sharma, learned counsel for the applicant and Mr. D.Panduranga Reddy, learned Special Counsel for the State of Andhra Pradesh (Respondents 1 and 2). None were present for the 4th respondent (Union of India).

5. The short^{point} in this case is whether the transfer of the applicant from Warangal to Kamareddy^{is to} be quashed. We have seen the counter affidavit. In the counter affidavit, the respondents have stated that-

"Shri S.N.Jadhav, IFS, has worked as Divisional Forest Officer, Warangal North Division with effect from 21.11.1990 A.N. Government in G.O.Rt.No.466, Energy, Forests, Environment, Science and Technology (For.II) Department, dated 3.7.1991 have issued orders transferring and posting of certain IFS Officers with immediate effect including the transfer of the applicant Shri S.N.Jadhav, IFS. In the orders, Shri S.N.Jadhav, IFS, formerly worked as Divisional Forest Officer, Warangal North Division has been removed and posted as Divisional Forest Officer, Kamareddy in the vacancy caused by the deputation of Shri Munindra, Union of India and the applicant has been in charge of the new place of Divisional Forest Officer, Kamareddy."

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The respondents also stated that-

"The plea of the applicant that, to accommodate the 3rd respondent, the applicant was transferred even without his completing three years of service in the present post is untenable. It is submitted that mass transfers were effected vide G.O. Rt. No. 466, dated 3.7.1992 including the transfer of the applicant keeping in view of the various administrative reasons and aptitude and competency of the officers to manage the posts."

6. Besides, the personal inconvenience of the applicant cannot be taken ^{as a major} ~~into~~ consideration while deciding the transfer issue. It is purely for the Department to consider. Here, the applicant has joined at Kamareddy and the other officer Mr. B. Venkat Reddy who is posted at Warangal also has joined at Warangal.

7. In Kirtania's case, 1989 SC (L & S) 481 - Union of India Vs. Kirtania, the Hon'ble Supreme Court held that-

"the applicant cannot choose a place of posting and that transfer is an incident of service."

8. In "AIR 1991 SC 532 (M/s Shilpi Bose and others Vs. State Bank of Bihar and others)", the Hon'ble Supreme Court held in para-4 that-

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"the court should not interfere with the transfer order which are 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 malafides. The Government servant holding transferable post has no vested right to remain posted at one place or the other. He is liable to be transferred to one place from another. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if transfer order is passed in violation of executive instructions/orders, the court, ordinarily, should not interfere with the orders, instead affected party should approach the higher authorities in the department. If the courts continue to interfere with the day-to-day transfer orders, there will be complete chaos in the administration which would not be conducive in the public interest."

9. Hence, as held by the Hon'ble Supreme Court, the administrative transfers cannot be interfered^{with} and the transfer is one of the exigencies of service.

10. The respondents filed the transfer order dated 3.7.1992 which consists of 20 names and which are chain transfers. The applicant was disturbed but in the place of the applicant, Mr. B.Venkat Reddy from Hyderabad was posted to Warangal as Divisional Forest Officer. In place of Mr. B.Venkat Reddy one Mr. Y.Babu Rao was posted to Hyderabad. The applicant also handedover the charge of

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Copy to:-

1. Principal Secretary, Energy, Forests, Environment, Science & Technology (For.II) Department, Secretariat Buildings, State of A.P. Hyderabad.
2. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.
3. Sri. B.Venkat Reddy, Forest Utilisation Officer, Andhra Pradesh, Hyderabad.
4. Secretary, Ministry of Environment and Forests, Union of India, New Delhi.
5. One copy to Sri. V.Jogayya Sharma, advocate, CAT, Hyd.
6. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Sri. D.Panduranga Reddy, spl. counsel for A.P. State.
8. One copy to Hon'ble Mr.C.J.Roy, Judicial Member, CAT, Hyd.
9. One copy to Deputy Registrar(Judl.), CAT, Hyd.
10. ~~xxxxxxx~~ Copies to ^{all Benches of} reporters as per standard list of CAT, Hyd.
11. One spare copy.

Rsm/-

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the post of Divisional Forest Officer, Warangal to Mr. B. Venkat Reddy on 9.7.1992 and he joined in the new place of posting viz., Kamareddy as Divisional Forest Officer on 10.7.1992, as averred by the respondents in their counter affidavit.


11. In view of the above, the ^{chain} ~~mass~~ transfers were ordered including the transfer of the applicant keeping in view the administrative exigencies and the competency of the officers to manage the posts. Hence, we see no reason to interfere with the ^{chain} ~~mass~~ transfers ordered by the respondents.

12. However, the applicant is given a liberty to make a representation to the respondents and the respondents may consider the case of the applicant sympathetically and dispose of the representation, if made by the applicant, within a period of three months from the date of receipt of the representation.

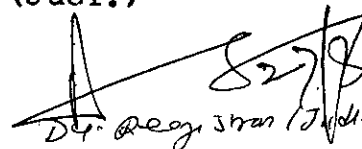
13. With these directions, the application is disposed of. There is no order as to costs.



(R. BALASUBRAMANIAN)
Member (Admn.)


(C. J. ROY)
Member (Judl.)

Dated: 18th August, 1992.


D. R. Rao, J. R. Rao (Judl.)

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