

Date of Decision: 13.1.1994.

OA 24/94

PRATAP SINGH AND OTHERS ... APPLICANTS.

Vs/.

UNION OF INDIA AND OTHERS ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the Applicants ... SHRI R.N. MATHUR.

For the Respondents ... ---

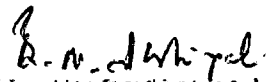
PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Applicants Pratap Singh and others have challenged the transfer order Annexure A-1 dated 31.12.93. They were promoted and thereafter they were transferred from Phulera to Abu Road. Four persons who were earlier promoted and got their names noted for retransfer have been retransferred ~~to~~ Phulera under the policy of the Railway. Mr. Mathur, appearing on behalf of the applicants, submitted that there was a vacancy prior to retransfer of these persons and the fact has wrongly been mentioned that there is no vacancy. The second contention of Mr. Mathur is that the doctrine of promisory estoppel applies. The third contention of Mr. Mathur is, ^{that of the applicants,} one Ranjit Singh is also the member of the Scheduled Tribe.

2. We have heard the learned counsel for the applicant at length. Ordinarily the court should interfere in the matters of transfer unless it is a case of frequent transfer or a mala fide act. In the instant case, the persons who have been brought back at Phulera were earlier transferred and for this very reason they got it noted before the relevant authority that they will like to get themselves retransferred at Phulera. This itself is a sufficient cause for retransferring the persons who were earlier transferred and who have suffered

because of the transfer. A person who is going to be promoted or he has been promoted recently should ordinarily be transferred to adjust those persons who were transferred earlier on similar grounds. It is not a case of frequent transfer and the applicants can get their names noted for retransfer and as per the policy they will have to be transferred back if the vacancies occur. When there exist any vacancy they can move the authorities according to the rules.

3. We do not find any force in the OA and the same is dismissed, with no order as to costs.


(B.N. DHONDİYAL)
MEMBER (A)


(M.L. MEHTA)
VICE CHAIRMAN