

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH  
JAIPUR

OA NO.482/95 : Date of order: 18.10.95

Manohar Lal Sharma : Applicant

Versus

Union of India and others : Respondents

Shri R.N.Mathur, learned counsel for the applicant

CORAM:


HON'BLE SHRI N.K.VERMA, MEMBER (ADMINISTRATIVE)  
HON'BLE SHRI RATTAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE N.K.VERMA, MEMBER (ADMINISTRATIVE))

Heard Shri R.N.Mathur. Here is an application regarding this Tribunal's intervention in the transfer of the applicant who<sup>b</sup> stated to be the junior-most Clerk Gr.II a post which was found to be surplus of the requirement of the Jaipur Unit of the respondents office. The applicant has also prayed for directions of this Tribunal to have his services as a Clerk regularised w.e.f. 12.1.1982. The two reliefs do not follow from one another. There are two separate reliefs which are clubbed together in this OA. The first relief is regarding the Tribunal's intervention in a transfer matter. As is very well established ordinarily the transfers are not interferred by any Court including this Tribunal unless it is manifestly wrong, outside the rules or motivated by the malice. The grounds on

which the applicant has been transferred that he is the junior-most clerk in the unit and that is why he has to go to another office located at Bhopal. The learned counsel for the applicant brought to our notice that the applicant has been working as an adhoc clerk since 1982 and his case for regularisation on this post is pending with the administration and the applicant is not the junior-most clerk as has been stated in the impugned order. The matter regarding regularisation seems to have been activated by the applicant for the first time in the year 1994-95 although the applicant has been admittedly working as a clerk on adhoc basis since 1982. This is an old and stale matter which cannot be adjudicated before this forum as it is hit by the laws of limitation and is grossly stale. There has been no explanation for the delay in pursuing the matter with the administration or coming to the Tribunal for adjudication on the matter. In any case, the applicant has opportunity of having this matter sorted out with the proper representation to the respondents who seem to be seized of the problem and will definitely give a solution to the matter brought to this Tribunal's notice. At this stage, the OA is not maintainable to be admitted and is therefore dismissed.

  
(RATTAN PRAKASH)  
MEMBER (J)

  
( N.K.VERMA )  
MEMBER (A)