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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 22.10.96

OA 446/96

F.C. Meena, Administrative Officer, Central Sheep & Wool Research Institute, Avikanagar, Malpura, Tonk, Rajasthan.

... Applicant.

Versus

1. Union of India through the Director (ICAR), Trishi Bhawan, New Delhi.
2. Under Secretary (Admn.), Indian Council for Agriculture Research, Trishi Bhawan, New Delhi.
3. Shri A.Hakim, Central Sheep & Wool Research Institute, Avikanagar, via Malpura, District Tonk (Raj.).

... Respondents.

CORAM:

HON'BLE MR. GOPAL TRISHNA, VICE CHAIRMAN

HON'BLE MR.C.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Manish Bhandari

For the Respondents

...Mr.V.S.Gurjar

O R D E R

FOR HON'BLE MR. GOPAL TRISHNA, VICE CHAIRMAN

Applicant, F.C. Meena, in this application u/s 19 of the Administrative Tribunals Act, 1985, has called in question the order, at Ann.A-1, dated 9.3.96, by which he was transferred from Avikanagar to Hisar as Administrative Officer in the Central Institute for Research on Buffaloes.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The main burden of the contentions of the applicant is that his children and other wards residing with him are prosecuting their studies in Avikanagar in different classes and in different schools therein. Applicant's transfer after the academic session has already commenced may cause undue hardship to him. On the other hand, the learned counsel for the respondents contends that the applicant has already completed his tenure at Avikanagar and has stayed there for about four years and the transfer having been made in the interest of administration, should not be interfered with. The learned counsel for the applicant has placed reliance on (1994) 28 ATC 99, Director of School Education, Madras and others v. O.Paruppa Thevan and another, in which their Lordships of the Hon'ble Supreme Court have made the following observations :-

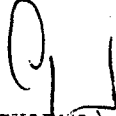
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"However, the learned counsel for the respondent, contended that in view of the fact that respondent's children are studying in school, the transfer should not have been effected during mid-academic term. Although there is no such rule, we are of the view that in effecting transfer, the fact that the children of an employee are studying should be given due weight, if the exigencies of the service are not urgent. The learned counsel appearing for the appellant was unable to point out that there was such urgency in the present case that the employee could not have been accommodated till the end of the current academic year. We, therefore, while setting aside the impugned order of the Tribunal, direct that the appellant should not effect the transfer till the end of the current academic year."

The applicant has not formally been relieved from the post of the Administrative Officer till date in terms of the directions given by this Tribunal. In the circumstances, without setting aside the impugned order of transfer, we direct that the respondent No.1 should not effect the transfer of the applicant till 31st March, 1997 i.e. the end of the current academic year.

4. The OA stands disposed of accordingly with no order as to costs.


(O.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK