

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH: JAIPUR.

O.A.NO.622/96

Date of order: 28.11.1996

Dr. D.S.Mishra : Applicant

Vs.

Union of India & Ors. : Respondents

Mr. M.M.Bharathan, counsel for the applicant

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER(ADMINISTRATIVE)

HON'BLE SHRI FATAI PPAFASH, MEMBER(JUDICIAL)

O R D E R

PER HON'BLE SHRI O.P.SHARMA, MEMBER(ADMINISTRATIVE)

In this application under Section 19 of the Administrative Tribunal's Act, 1985 Dr. D.S.Mishra has prayed that the transfer of the applicant vide order No.1084 of 1996 (Annx.A/6) may be quashed and the applicant may be allowed to continue in service at the Western Region, Jaipur.

2. The case of the applicant is that he was initially appointed on the post of Senior Technical Assistant (Chemist) in 1973 in the Central Ground Water Board and was thereafter promoted to the post of Assistant Chemist. At present he is holding the post of Assistant Chemist under respondent No.3, the Regional Director, Central Ground Water Board, Ministry of Water Resources, Jaipur. He is working against a clear substantive sanctioned post of Assistant Chemist at Jaipur. There was only one clear substantive sanctioned post of Assistant Chemist at Jaipur as seen from Annexure A/1. Vide order dated 22.8.1990 S/Shri R.K. Gupta and G.K.Sharma, also working on the post of Senior Technical Assistant (Chemist) were promoted to the post of Assistant Chemist and they were temporarily adjusted at Jaipur till the issue of

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their posting orders (Annexure A/2). However, these two persons used their influences at the top level and two posts of Assistant Chemist were transferred from other Regions to accommodate them at Jaipur. Vide order Annexure A/4 which is un-dated but which appears to bear 28.6.1994 as the date of its typing, Shri R.K.Gupta, Assistant Chemist was transferred from Jaipur to WCR Ahmedabad with immediate effect. Shri Gupta has not yet been relieved for joining duties at Ahmedabad. The authorities at Ahmedabad have been reminding the authorities at Jaipur to relieve Shri Gupta (Annex.A/5). Now with ulterior motive, the respondents have decided to transfer the applicant to Ahmedabad in place of Shri R.K.Gupta. Order passed in this behalf is No.1084 of 1996 (Annex.A/6). The applicant apprehends that he will be relieved at any time from Jaipur for joining duty at Ahmedabad.

3. Further according to the applicant, he submitted a representation to the Chairman, Central Ground Water Board, Faridabad vide Annexure A/8 dated 30.10.1996 praying for cancellation of his transfer to Ahmedabad on the ground of mental illness of his wife, education of his children at Jaipur, disturbances in the middle of the academic session of the school and college at Jaipur and other personal reasons. The said representation was forwarded by the authorities at Jaipur to Director (Admn.), Central Ground Water Board, Faridabad by letter of the same date i.e. 30.10.1996. However, there has been no response to the said representation. The applicant has sought cancellation of his transfer order on various grounds including the fact that Shri R.K.Gupta has been allowed to continue at Jaipur in spite of his transfer to Ahmedabad in 1994 due to influence exerted by Shri Gupta, the applicant's wife is a psychiatric patient and is in a serious condition, applicant's son and daughter are studying in School & University at Jaipur and are

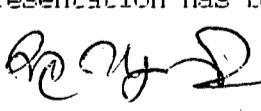
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in the mid session now and the applicant has been left with only about 2½ years of service before attaining the age of superannuation. His transfer at this stage would cause personal and family trouble to the applicant.

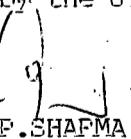
4. We have heard the learned counsel for the applicant and have perused the material on record.

5. Although the applicant has alleged malafides against the respondents for transferring him to Ahmedabad while retaining Shri R.K. Gupta at Jaipur, none of the respondents has been impleaded by name in the O.A. In a matter like transfer of a Government servant from one place to another, the administrative authorities are the best judges of the matter. They are expected to act objectively and after having regard to all the facts and circumstances of a particular case. In the circumstances of the present case, we dispose of this O.A. at the stage of admission with a direction to the respondents to consider the applicant's representation (Annexure A/8) dated 30.10.1996 on merits having regard to all the issues and problems stated by him and dispose it of within a period of one month from the date of receipt of a copy of this order.

6. The O.A. stands disposed of accordingly at the stage of admission. Let a copy of the O.A. alongwith annexures thereto be sent to respondent No.2 the Director (Admn.), Central Ground Water Board, Ministry of Water Resources, New C.G.W. Complex, NH-IV, Faridabad, Haryana-121001, for necessary action, to whom the representation has been forwarded by the Jaipur office.

  
(RATAN PATEL)

MEMBER (JUDICIAL)

  
(O.P. SHAFMA)

MEMBER (ADMN.)