

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.  
O.A.No.211/97

Date of order: 12-1-2

Mahipal Singh, S/o Shri Bahadur Singh, R/o 20-A, Purani  
Choongi ke Peeche, Modi Nagar, Ajmer Road, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Deptt. of Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, M.I. Road, Jaipur.
3. General Manager, Telecom District, Jaipur.
4. Shri S.G.Sarangal, Dy.General Manager, Office of the General Manager, Jaipur Telecom Distt, Jaipur.

...Respondents.

Mr.U.D.Sharma - Counsel for applicant

Mr.S.S.Hasan - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

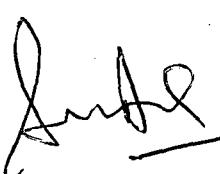
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application the applicant makes prayer:

- (a) to quash and set aside the Memo dated 13.5.97 for which the applicant was transferred from Jaipur to Dausa and to direct the respondents to repost the applicant at Jaipur.
- (b) to pay the salary to the applicant from 30.7.92 to 28.2.97
- (c) to pay overtime allowance for excess work (61.30 Hrs.) done by the applicant.
- (d) to direct the respondents to post the applicant at fixed place.

2. In brief the case of the applicant as stated in this O.A is that the applicant has been subjected to frequent transfers which resulted deterioration of his health and cause mental agony and tension to the applicant. It is stated that he was transferred from Jaipur to Dausa with a view to harass him and he was not paid salary from 30.7.92 to 28.2.97 and Overtime Allowance for 61.30 hours excess work done by him. In view of the submissions made in the O.A, the applicant prayed for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that the applicant was absent from duty since August 92 as the applicant has not submitted any leave application in time as per rules for the period he remained absent. It is also stated that the applicant remained absent continuously from duty without prior sanction/information and this O.A is devoid of any merit and



liable to be dismissed and the applicant is not entitled to any relief sought for.

4. Rejoinder was also filed by the applicant which is on record..

5. Heard the learned counsel for the parties and also perused the whole record.

6. The learned counsel for the applicant has argued that the applicant has been subjected to frequent transfers and lastly he was transferred from Jaipur to Dausa. Therefore, the impugned transfer order dated 13.5.97 is liable to be quashed. On the other hand the learned counsel for the respondents submitted that the applicant has not been subject to frequent transfers and by the impugned order dated 13.5.97, the applicant was transferred to Dausa in public interest.

7. It is settled law that applicant has no right to be posted at a particular place. But on the other hand transfer is not a unfettered power. All public authority charged with public duties and responsibility are beholden to act and adhere to professed norms as aforementioned.

8. In B.Varadha Rao Vs. State of Karnataka, AIR 1986 SC 1955, it was held that one cannot but depriate that frequent, unscheduled and unreasonable transfers can uproot a family cause irreparable harm to a government servant and derive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and results in hardship and demoralisation.

8. In Hansraj H.Jain Vs. State of Maharashtra, (1993) 3 SCC 634, it was held by the Apex Court of the country that frequent transfers without sufficient reasons to justify such transfer cannot but be held as malafide.

9. On the basis of the averments made by the applicant, we are of the considered opinion that the applicant has not been subjected to frequent transfers. His transfer from Jaipur to Dausa appears to have been made in public interest and not actuated with any kind of malafide. The transfer of the applicant appears not have been made against any statutory rules or in violation of the professed norms. The impugned order of transfer can be interfered by this Tribunal only if it is made on the ground of malafides and in violation of statutory rules as has been held in leading case Mrs Shelpi Bose & Ors Vs. State of Bihar & Ors AIR 1991 SC 532 and N.K. Singh Vs. UOI, (1994) 28 ATC 246. Therefore, on the basis of foregoing, we do not find any ground to interfere in the



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impugned order of transfer.

9. As regards the claim of the applicant regarding pay and allowances and overtime allowances are concerned, it cannot be allowed in this O.A in view of the provisions of Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicant claimed multiple reliefs in this case. Rule 10 reads as under:

'10. Plural remedies:- An application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another.'

10. We are, therefore, of the opinion that other reliefs claimed by the applicant are not admissible under the provisions of Rule 10 of the aforesaid rules. However, we provide that if the applicant files a representation within one month from the date of this order to the competent authority, the competent authority shall dispose of that representation within a period of six weeks from the date of receipt of such representation by reasoned and speaking orders.

11. With the above directions, this O.A is disposed of with no order as to costs.



(N.P.Nawani)

Member (A)



(S.K.Agarwal)

Member (J).