

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.338/98

Date of order: 9.9.1999

Mahendra Kumar Jeph, S/o Shri Ram Chandra Jeph, aged 38 years, R/o 43, Arjunpuri, Imliwala Phatak, Jaipur.

...Applicant.

Vs.

1. Union of India through the Commissioner, Regional Provident Fund Organisation, Nidhi Bhawan, Vidyut Marg, Jyoti Nagar, Jaipur.
2. Shri J.K.Koli, Commissioner Regional Provident Fund Organisation, Nidhi Bhawan, Vidyut Marg, Jyoti Nagar, Jaipur.

...Respondents.

Mr. Anupam Agrawal - Counsel for applicant.

Mr. N.K.Jain - Counsel for respondents.

CORAM:

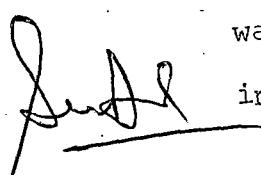
Hon'ble Mr.S.K.Agarwal, Judicial Member

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

In this Original Application, the applicant makes a prayer to quash the impugned order of transfer dated 24.9.98 by which the applicant was transferred from Jaipur to Kota.

2. The case of the applicant is that while working as U.D.C in the Regional Provident Fund Organisation, Commissioner Office, Jaipur, he was transferred to Kota vide the impugned order dated 24.9.98. The contention of the applicant is that because of malafides of respondent No.2, Shri J.K.Koli, the applicant was transferred. It is also stated by the applicant that he is a low paid employee and it is a mid-session transfer, therefore, the impugned order of transfer be quashed.

3. Reply was filed. In the reply it has been categorically stated that no direct allegations of malafides are against respondent No.2. It is stated in the reply that the applicant was transferred in public interest and there is no ground to interfere in the impugned order of transfer by this Tribunal.



4. No rejoinder was filed.
5. Heard the arguments of the learned counsel for the parties and also perused the whole record.
6. On the perusal of pleadings it appears that no direct evidence of malafides is there on record. Malafides can be proved either by direct evidence or by indirect evidence, but there is no such indirect evidence also on record which can connect this order of transfer with respondent No.2. This Tribunal can only interfere in the order of transfer when it is based on malafides or is in violation of statutory rules.
7. In State of M.P. Vs. S.S.Kaurav, 1995 SCC 666 and in Rajendra Ray Vs. Union of India 1993 (L&S) 138, Hon'ble Supreme Court observed that transfer order which is not malafide and not in violation of service rules and issued with proper jurisdiction cannot be quashed by the Court.
8. The learned counsel for the applicant also submitted that the applicant is a low paid employee and it is a mid-session transfer. The respondents have categorically stated the urgency of the impugned order of transfer in public interest, therefore even a transfer can be effected in a mid-session if the respondents are in position to explain and furnish the urgency of transfer of the applicant.
9. In view of the above, I do not find any basis to interfere in the impugned order of transfer. Therefore, this O.A is dismissed at the stage of admission and the interim order granted in favour of the applicant is hereby vacated.
10. No order as to costs.


(S.K. Agarwal) 9/9/99
Member (Judl.)