

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 29/99

Date of order: 23/3/2002

S.K.Gupta, S/c Shri R.K.Gupta, R/c House No.360, Kachhi Pura, Agra Kent, employed as Sr.Parcel Clerk, Kota Division, Agra.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Station Manager, Western Rly, Agra Fort, Kota Division.

...Respondents.

Mr. Shiv Kumar - Counsel for the applicant

Mr. T.P.Sharma - 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 under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the impugned order of transfer dated 11.1.99 by which the applicant was relieved from Agra Fort to Kota.

2. In brief, the facts of the case as stated by the applicant are that he sought mutual transfer with Shri P.K.Gupta, therefore, both Shri P.K.Gupta and the applicant have moved application for transfer. The applicant sought his transfer at Agra Fort and Shri P.K.Gupta sought his transfer at Kota. After consideration of the applicant, the respondents have issued letter dated 1.7.98 by which the applicant has transferred to Agra Fort and Shri P.K.Gupta to Kota on mutual basis. It is stated that the applicant joined in pursuance of the order dated 1.7.98. Now the respondents issued an order dated 11.1.99 by which the applicant has been ordered to be relieved from Agra Fort to Kota. It is stated that the applicant belongs to sensitive category and normal tenure of posting period is 4 years. He has not completed his tenure at a particular station, therefore, the impugned order dated 11.1.99 deserves to be quashed. It is also stated that the respondents have not cancelled the order dated 1.7.98 and without cancelling the order dated 1.7.98 the respondents cannot transfer the applicant to Kota. Therefore the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it has been made clear that the applicant was transferred in the interest of administration as there was serious allegation and complaint against the applicant. It is also stated that the applicant is holding a transferable post

and he can be transferred any where, as per the requirement of the Railway administration. It is denied that the order dated 11.1.99 was illegal and arbitrary and stated categorically that the applicant was transferred in the interest of administration. There was no malafide or violation of any statutory norms by the respondents, hence the impugned order cannot be interfered by this Tribunal.

4. Rejoinder has also been filed reiterating the facts stated in the C.A.

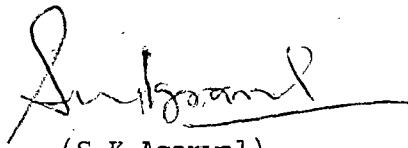
5. Heard the learned counsel for the parties and also perused the whole record.

6. Transfer is the incidence of service. The applicant is alleged to have been transferred on the basis of complaint made against him. It has been stated categorically that the applicant has been transferred in the administrative exigencies. This Tribunal can only interfere in the matter of transfer when the transfer is based on malafides and against the infraction of statutory norms. In the instant case, no malafides are imputed against the respondents and there appears to be any infraction of statutory norms. Therefore, in view of the settled position of law, we are of the opinion that there is no basis to interfere with the impugned order of transfer. We, therefore, dismiss this C.A with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).