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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 8.7.1999

OA 326/99

D.L.Verma, SDOT, Department of Telecommunication, Ramganj Mandi, Kota.

... Applicant

Versus

1. Union of India through the Secretary, Department of Telecommunication, New Delhi.
2. General Manager, Department of Telecommunication, Telecom Office, Indra Prastha, Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.C.R.Premi

For the Respondents

... \_\_\_\_\_

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, D.L.Verma, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to withdraw the order, at Annexure A-1, dated 5.7.99, by which he was transferred from Ramganj Mandi to Chhabra as Sub Divisional Officer Telephones (SDOT, for short).

2. We have heard the learned counsel for the applicant and have perused the records.
3. The applicant was posted at Ramganj Mandi as SDOT ever-since he joined there on 10.4.98. The applicant was transferred to Chhawani Kota alongwith others but thereafter the order was modified in regard to the applicant and he was retained at Ramganj Mandi. The main grievance of the applicant is that his children are prosecuting their studies in different classes in the schools at Ramganj Mandi and the transfer at this juncture to Chhabra may disturb the education of his school going children. The transfer order has been assailed on the ground that the same was passed with a view to accommodating one Shri H.R.Arvind. The learned counsel for the applicant has relied on (1986) 4 SCC 131, B.Varadha Rao v. State of Karnataka and Others, wherein it has been observed, as follows :-

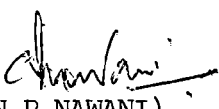
C.K. Verma

"6. One cannot but deprecate that frequent, unscheduled and unreasonable transfers can uproot a family, cause irreparable harm to

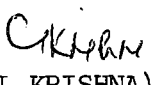
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a government servant and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and results in hardship and demoralisation. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally. But, at the same time, it cannot be forgotten that so far as superior or more responsible posts are concerned, continued posting at one station or in one department of the government is not conducive to good administration. It creates vested interest and therefore we find that even from the British times the general policy has been to restrict the period of posting for a definite period. We wish to add that the position of class III and class IV employees stand on a different footing. We trust that the government will keep these considerations in view while making an order of transfer."

The applicant has already remained at Ramganj Mandi from 10.4.98 till the date on which the impugned order of transfer was passed. He had already remained at a particular station for a considerable time. The order of transfer cannot be said to be mala fide since no person has been impleaded by name as a respondent. In the circumstances, it does not appear to be unreasonable. If the applicant is suffering any personal hardship, he should make a representation to the concerned authority. An order of transfer can be interfered with if it is passed in violation of any statutory rule or if it is tainted with mala fides. We do not find any substance in this application. It is, therefore, dismissed at the stage of admission.

  
(N.P.NAWANI)

ADM.MEMBER

  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK