

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

T.A.No.10/2000

Date of order: 18.7.2000

Jagdish Singh, S/o Sh.Mohan Singh, working as Art Teacher, Jawahar Navodaya Vidyalaya, Atru, Distt. Barah, Rajasthan.

...Applicant.

Vs.

1. Union of India through Director, Navodaya Vidyalaya Samiti, A-39, Kailash Colony, New Delhi.
2. Dy.Director, Navodaya Vidyalay Samiti, A-12, Shastri Nagar, Jaipur.
3. Collector/Chairman, Distt.Baran, Rajasthan.
4. Principal, Jawahar Navodaya Vidyalaya, Attru, Baran.

...Respondents.

None for the applicant

Mr.V.S.Gurjar

: for respondents.

CORAM:

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

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

A Civil Suit was filed by the applicant before the Court of Civil Judge (JD), Attru, District Baran, challenging the order of his transfer dated 8.5.96 by which the applicant was transferred to Budwa, Distt.Banswara.

2. Reply to the suit was filed before the Court. In the reply, it has been made specifically that the applicant has joined at his place of transfer on 30.8.96, therefore, this suit has become infructuous.

3. By order dated 1.12.2000, the suit was transferred to this Tribunal and the same was registered as T.A No.10/2000

4. Heard the learned counsel for the respondents. None

appeared for the applicant in spite of the fact that on 4.4.2001, the applicant himself appeared in person and shown his willingness to engage a counsel but thereafter on 31.5.2001 and to day none appeared for the applicant.

5. I perused the whole record and also heard the learned counsel for the respondents.

6. Admittedly, the applicant had joined his new place of posting on 30.8.96. No malafides could be established by the applicant against respondent No.4. Transfer is the incidence of service and one can be transferred from one place to another in the interest of administration and the Tribunal can interfere only when it is in violation of the statutory rules and actuated with malafides.

7. In the instant case, I do not find that any statutory rule has been violated while issuing the impugned order of transfer. The respondents' department has categorically stated that the applicant was transferred in administrative interest. No malafide could be established by the applicant against respondent No.4, therefore, I am of the considered opinion that no case is made out in favour of the applicant and this T.A is devoid of any merit and liable to be dismissed.

8. I, therefore, dismiss this T.A having no merit with no order as to costs.



(S.K. Agarwal)

Member (J).