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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 152 of 1997

Date of decision 11.7.97

Shri Ashit Kumar Roy

PETITIONER(S)

Mr. M.U.Mahmud

Mr. S.S.S. Rahman

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 152 of 1997.

Date of Order : This the 11th day of July, 1997.

Hon'ble Justice Shri D.N.Baruah, Vice-Chairman.

Shri Ashit Kumar Roy,
S/o Late Aswini Kumar Roy,
Divisional Accounts Officer Gr. II
(Non Gazetted) in the office of the
Executive Engineer P.W.D., Khonsa,
Dist-Tirap,
Arunachal PradeshApplicant

By Advocate Sri M.U.Mahmud.

-versus-

1. The Union of India
represented by Accountant General(A&E),
Meghalaya,
Shillong.
2. The Senior Deputy Accountant General
Office of the Accountant General
(A&E), Meghalaya, Shillong.
3. The Senior Account's Officer, I/C,
D.A. Cell, Meghalaya Shillong. ..Respondents

By Advocate Sri S.Ali, Sr. C.G.S.C.

O R D E R

BARUAH J. (v.c.).

In this application the applicant has challenged the Annexure 1 order of transfer dated 14.5.97. The main ground of challenge is that he was earlier transferred about a year ago and the 2nd transfer according to him is contrary to the provision of rule. Besides, he is the only adult person in his family. Therefore it becomes difficult for him to carry

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out frequent orders of transfer. Because of these difficulties he also gave up his promotional post. Hence the present application.

2. I have heard Mr. M.U.Mahmud learned counsel appearing on behalf of the applicant and also Mr. G.Sarma, learned Addl.C.G.S.C. Mr. Mahmud submits that within one year the applicant has been transferred and that has caused immensed difficulties to the applicant. Learned Counsel also submits that as per rule, normally a person should be transferred only after completion of tenure i.e. 3 (three) years. Learned Counsel has also emphasized that the applicant is a sick person suffering from diabetes and other ailments and the transfer will cause great hardship to the applicant. He is an efficient officer and his service is necessary in the present place of posting. Mr. G.Sarma, on the other hand submits that in the interest of public service the applicant has been transferred. Learned Counsel also submits that there is no allegation of malafide and that the applicant has been transferred for oblique purposes.

3. It is well extablished principle of law that transfer is an incidence of service, unless the said transfer is made with malafide intention, or for oblique purposes, Tribunal or any court may not interfere with such transfer.

4. In this case I do not find anything that the transfer has been made for oblique puporse or with malafide intention. Accordingly the application is dismissed.

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5. Mr. Mahmud submits that the applicant is suffering from illness, if that is so, he may submit a representation before the authorities stating the entire facts within a period of one month from today, if such representation is filed by the applicant respondents may consider his case.

Considering the entire facts and circumstances of the case, I make no order as to costs.



(D.N. BARUAH)
Vice-Chairman

trd