

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 220 ..... of 1997

DATE OF DECISION..1-2-2000....

Shri Mustaquim Ali

PETITIONER(S)

Mr B.K. Sharma, Mr M. Chanda and  
Ms N.D. Goswami

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

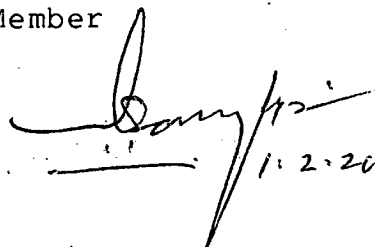
ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Administrative Member

  
1.2.2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.220 of 1997

Dated of decision: This the 1st day of February 2000

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Mustaquim Ali,  
Resident of Jalukbari,  
P.S. Jalukbari, District- Kamrup,  
Assam.

.....Applicant

By Advocates Mr B.K. Sharma,  
Mr M. Chanda and Ms N.D. Goswami.

- versus -

1. The Union of India, through the  
Secretary to the Government of India,  
Ministry of Human Resource Development,  
Department of Women and Child Development,  
New Delhi.
2. The Chairman,  
Central Social Welfare Board,  
Samaj Kalyan Bhawan, B-12,  
Institutional Area South of I.I.T.,  
New Delhi.
3. The Executive Director,  
Central Social Welfare Board,  
Samaj Kalyan Bhawan,  
B-12 Institutional Area South of I.I.T.,  
New Delhi.
4. Shri P.N. Das,  
Deputy Director (Field Officer Estt.),  
Central Social Welfare Board,  
Samaj Kalyan Bhawan,  
South of I.I.T., B-12,  
Institutional Area,  
New Delhi.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R

G.L. SANGLYINE (ADMINISTRATIVE MEMBER)

This application has been submitted by the  
applicant against the order of transfer No.F.I-  
20/FO(WO)/95/SB.Admn. dated 22.8.1997 issued by the Central  
Social Welfare Board, New Delhi, by which he was

transferred from Assam to Nagaland State Social Welfare Advisory Board, Kohima. The applicant is Assistant Project Officer (APO for short). According to the applicant he was transferred as a measure of punishment following an enquiry report submitted by the Joint Director, Shri K.J. Kakanwara, following the allegation of irregular release of Shri D.K.B. Singh, Welfare Officer, while the applicant was officiating in the post of Secretary, Assam State Social Welfare Advisory Board in the month of July 1997.

2. The respondents have contested the application and denied the contention of the applicant that his transfer order is arbitrary, illegal, malafide, unfair and totally linked with the irregular transfer and release of Shri D.K. B. Singh, Welfare Officer. The transfer was, on the other hand, made on administrative grounds. The respondents have also produced the relevant records, File No.F.I-20/FO(WO)/95/SB.Admn., in support of their contention.

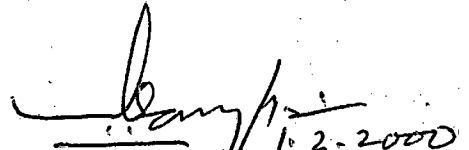
3. We have heard the learned counsel of both sides. The applicant was working as APO. He was transferred to Nagaland on 21.11.1995. He had returned to Assam Board on 14.6.1996. On 22.8.1997 he was again transferred to Nagaland by the impugned order. He represented against the transfer order and he was allowed to stay in the Assam State Social Welfare Advisory Board upto 10.10.1997. The respondents have admitted in the written statement thus: ".....But it is not correct to say that Sh. M. Ali was transferred from Assam to Nagaland only due to the reason that he was instrumental in unauthorised relieving of Sh. D.K.B. Singh, when Sh. M. Ali was temporarily officiating as Secretary, Assam State Board....." It is clear that this alleged role of the applicant in the release  
of.....

of Shri D.K.B. Singh, Welfare Officer was one of the reasons why the applicant was transferred on 22.8.1997. The order of transfer was, therefore, punitive in nature and without affording the applicant any opportunity of being heard before the order of transfer was issued. Therefore, we set aside the order of transfer dated 22.8.1997. We make it clear that this does not debar the respondents to issue fresh order of transfer of the applicant from the Assam State Social Welfare Advisory Board.

4. The application is accordingly disposed of. No order as to costs.



( D. N. BARUAH )  
VICE-CHAIRMAN

  
1.2.2000

( G. L. SANGLINE )  
ADMINISTRATIVE MEMBER