

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No. 229 of 1997.

DATE OF DECISION.....28-8-1998.....

1. Sri Promothesh Ranjan Deb (PETITIONER(S))

S/Sri B.Banerjee, M.Chanda ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Sri G.Sarma, Addl.C.G.S.C ADVOCATE FOR THE
RESPONDENTS.

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 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 Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 229 of 1997.

Date of Order : This the 28th Day of August, 1998.

Justice Shri D.N.Baruah, Vice-Chairman.

Sri Promothesh Ranjan Deb
Divisional Accounts Officer Grade-I,
Electrical Division No.II,
Dharmanagar, Tripura.

... . . . Applicant

By Advocate S/Sri B.Banerjee and M.Chanda.

- Versus -

1. Union of India,
through Comptroller and Auditor General of
India, New Delhi.

2. The Accountant General (A&E)
Meghalaya etc.,
Shillong.

3. Senior Accounts Officer,
Office of the Accountant General(A&E)
Meghalaya etc.
Shillong.

... . . . Respondents.

O R D E R

BARUAH J. (V.C)

This application has been filed challenging the validity of the transfer order dated 14.5.1997 (Annexure-1) and transfer him to the vacant post of Divisional Accounts Officer in PWD Division, Ambassa. According to the applicant he has been shunted from one place to another within one year. This is not in the interest of the public service.

2. In due course the respondents have entered appearance and filed written statement. We have heard Mr B.Banerjee, learned counsel appearing on behalf of the applicant and Mr G.Sarma, learned Addl.C.G.S.C for the respondents. Mr Banerjee submits that the authority has harrassed the applicant by way of frequent transfers within short time. The transfer

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contd..2

orders have not been made in the interest of public service. However, Mr G.Sarma, learned Addl.C.G.S.C appearing on behalf of the respondents disputed the same. According to him the transfer orders were passed in the interest of public service. As it is a pure and simple transfer order the present application is not maintainable because it is an established principle of law that transfer is not a punishment, it is only an incidence of service unless it is shown that the order was passed for any oblique purpose or actuated by any malafide intention. Nothing has been shown in this application. I do not find any ground to interfere with the transfer order. Therefore, the application is dismissed with no costs.

However, the applicant may approach the authority by filing representation within 15 days from the date of receipt of this order and if such representation is filed the authority shall consider the representation to mitigate the difficulties of the applicant. The said representation must be disposed of within one month from the date of receipt of the same. Till then status quo shall be maintained.



(D.N.BARUAH)
VICE CHAIRMAN