

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

CA No. 255/97

Shri D.K. Jha

Applicant(s)

- VS -

Union of India & Ors

Respondant(s)

Mr. B.K. Sharma, S. Sarma

Advocate for the Applicant(s)

Mrs. N.D. Goswami

Mr. S. Ali, Sr. C.G.C.

Advocate for the Respondant(s)

Office Note

Date

Court Orders

21.11.97

Heard Mr B.K. Sharma, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. The application is admitted. Issue notice to the respondents. List it on 19.12.97.

This application is in  
form and within time

C. F. No. 75.3.6.27

deposited on

20.11.97

Dated ... 19.11.97

on leave

Registries

Registered

20/11/97

Regusite have

been filed

on behalf of the  
applicant.

28.11.97

There is no representation on behalf of the parties. List it on 5.12.97. Meanwhile the interim order dated 21.11.97 shall continue.

Vice-Chairman

Vice-Chairman

24.11.97

Notice has been

issued on 24.11.97

to the

parties through Registry

vide Despatch No.

12.97.

Copy of order dtd. 28.11.97  
issued to the counsel of  
parties both sides.

Office Note

Date

Court's Order

1.12.97

5.12.97

*Shom cause reply  
Submitted by the respondents  
At page 23-27*

*MS  
1/2/97*

This application has been filed challenging the Annexure-3 impugned order of transfer whereby the applicant was transferred on promotion. The applicant also desires to get the promotion but he does not like to go on transfer.

Heard Mr S.Sarma, learned counsel appearing on behalf of the applicant and Mr S.Ali, learned Sr.C.G.S.C for the respondents. Mr Sarma submits that the applicant is very much willing to get the promotion. However, he does not want to go to the place of posting. Mr Sarma has not been able to show anything that the transfer order has been passed malafide or for any oblique purpose. Mr Ali submits that the applicant was transferred on promotion. No malafide has been alleged by the applicant and he has been transferred from Misamari to Guwahati. There is nothing to show that the applicant will be prejudiced if he joins in the promotional post at Guwahati. Considering the submissions of the learned counsel for the parties I feel that this is not a fit case to be.

Though the case has been fixed for order Mr Ali prays for vacating the interim order dated 21.11.97. There is no merit in this application. Accordingly the application is dismissed.

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

Vice-Chairman

5.12.97

This application has been filed challenging the Annexure-3 impugned order of transfer whereby the applicant was transferred on promotion. The applicant also desires to get the promotion but he does not like to go on transfer.

Heard Mr S.Sarma, learned counsel appearing on behalf of the applicant and Mr S.Ali, learned Sr.C.G.S.C for the respondents. Mr Sarma submits that the applicant is very much willing to get the promotion. However, he does not want to go to the place of posting. Mr Sarma has not been able to show anything that the transfer order has been passed malafide or for any oblique purpose. Mr Ali submits that the applicant was transferred on promotion. No malafide has been alleged by the applicant and he has been transferred from Misamari to Guwahati. There is nothing to show that the applicant will be prejudiced if he joins in the promotional post at Guwahati. Considering the submissions of the learned counsel for the parties I feel that this is not a fit case to be admitted.

Though the case has been fixed for order Mr Ali prays for vacating the interim order dated 21.11.1997. In view of the above, as agreed by the counsel for the parties I take up the case for hearing. On going through the records and on consideration of the submissions, I find no merit in the application in as much as the application does not disclose that the order of transfer was made either contrary to the provisions of law or for a malafide intention or for any oblique purpose.

Accordingly the application is dismissed.

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

  
Vice-Chairman

*Order issued to Parties*

*vide memo No. 3684 to 3688*

*dated 15-12-97*