

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O.A. No. 255/97

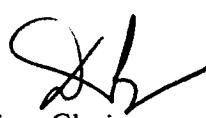
Shri P.K. Tha Applicant(s)
- vs -

Union of India & Ors Respondent(s)

Mr. B.K. Sharma, S. Sharma Advocate for the Applicant(s)
Mr. N.D. Goswami

Mr. S. Ali, Sr. C.G.S.C. Advocate for the Respondent(s)

Office Note	Date	Court Orders
This application is in form and in time C.P. R. 1997 dealing with IPO ID No. 753627 Dated ... 19.11.97 On leave by Registrar	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.
		Mr Sharma prays for an interim order of stay of the impugned transfer order dated 21.10.1997. List it for hearing on the interim order on 28.11.97. Till then the order of transfer is stayed.
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

~~26.11.97~~
Notice has been
sent on 26.11.97
to the parties
through Registered
Airmail. Dispatched No.

~~27.11.97~~
Copy of order add. 28.11.97
issued to the counsel of
parties both sides.


Vice-Chairman

Office Note Date Court's Order

1/12/97

5.12.97

Slow cause reply
Submitted by the respondents
At the place 23-27

1/12/97

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

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