

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No 732 of 2005

Jabalpur, this the 25th day of November, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman

Shri Vijay Kumar Bajpai Son of Late Ram Narayan Bajpai,
Aged about 50 years, R/o Anand Colony,
DeWadora Post, District-Mandla-481661 Applicant

(By Advocate – Ku. P.L. Shrivastava)

VERSUS

1. Union of India, Through-Ministry of Water
Resources Department, Central Water Commission,
Room No.628, Seva Bhawan, R.K. Puram, New Delhi.
2. Chief Engineer (HRM), Central Water Commission,
Room No.628, Sewa Bhawan, R.K. Puram, New Delhi.
3. Superintendent Engineer, (Co-ordination) Central Water
Commission, Narmda Basin Organisation, Block No.3,
Ground-floor, Parayawas Bhawan, Jail Road, Bhopal,
Bhopal-462 001 (MP)
4. Shri B.S. Wadhwa, Central Water Commission, Narmada
Division, Narmad Basine, Bhopal (M.P.) Respondents

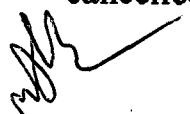
(By Advocate – Shri A.P. Khare for official respondents &
Shri M.N. Banerjee for private respondent No.4)

ORDER(Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the
following main relief :-


“(i)to quash the impugned order of transfer dated
14.6.2005 (Annexure-A/6) passed by the Respondent No.1 in so
far as applicant is concerned and to direct the respondents to
continue the applicant at his present place of posting i.e.
Aamgaon, and to pay him regular salary and allowances, and
further be pleased quash the posting order dated 13.7.2005
(Annexure-A/9) as also the order dated 1/2.8.2005 (Annexure-
A/11) whereby representation of the applicant has come to be
cancelled.”



2. The brief facts of the case are that the applicant is working as Junior Engineer in Narmada Basin and has been transferred to Faridabad Yamuna Basin vide order dated 14.6.2005. The applicant had earlier filed an OA No.592/05 before this Tribunal, and vide order dated 28.6.2005 the said OA was disposed of by directing the respondents to consider and decide the representation of the applicant. In compliance with the aforesaid order of the Tribunal, the respondents have considered the representation of the applicant and vide impugned order dated 1/2 August, 2005 (Annexure-A-11) have rejected the request of the applicant to cancel his transfer order. Hence, this OA.

4. Heard the learned counsel for the parties and carefully perused the records.

5. It is a well settled proposition of law that the order of transfer should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on ground of mala fides (see Union of India Vs. H.N.Kirtania, JT 1989 (3) SC 131). In this case, it is found that no officer has been impleaded by the applicant alleging mala fide, and the applicant has also not specifically stated in this OA that the respondents have violated any statutory guidelines of transfer policy. In this case the applicant has been transferred from Narmada Basin to Yamuna Basin i.e. from one region to another. It is not in dispute that the applicant is working in Narmada Basin since 1983. Now he has been transferred to Yamuna Basin. The contention of the applicant that in order to accommodate private respondent No.4, he has been transferred, is not correct and is accordingly rejected. The private respondent No.4 has been working in the Narmada Basin only since 1996, he was earlier transferred by the respondents only on the ground that he has been working in this region since 1976. After passing the transfer order, the private respondent No.4 represented against his



transfer order stating that he is working in the Narmada region only since 1996. The respondents have, therefore, corrected their mistake and have cancelled his transfer order.

6. The learned counsel for the applicant has taken several grounds including seniority. He has also stated that, at the most, the applicant should have been transferred within the region. The grounds raised in this OA for cancellation of the transfer order, can be considered only by the appropriate authority. In compliance with the earlier order dated 28.6.2005, passed by this Tribunal in OA No.592/05 the respondents have considered the matter and have rejected the request of the applicant. Who should be transferred where is within the domain of the executive and the Courts/Tribunal cannot interfere with the transfer. The applicant is liable to be transferred anywhere in India. By the impugned order of transfer, he has been transferred from one region to another only after serving 22 years of service. In this view of the matter, I do not find any ground to interfere with the impugned order of transfer.

7. In the result, the OA is dismissed. The stay order passed earlier in this OA by this Tribunal on 11.8.2005 stands vacated. No costs.

(M.P.Singh)

Vice Chairman

skm

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पलितिमि अन्ते धितः—

(1) सचिव, उच्च न्यायालय और एग्रेसिवेशन, जबलपुर

(2) आवेदक श्री/श्रीमती/श्री.....के काउंसल

(3) प्रपक्षी श्री/श्रीमती/श्री.....के काउंसल

(4) कार्यपालन, कोषा, जबलपुर नगरपालिका

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

P.L. Shrivastava }
D.P. Khare }
M.L. Benarjee }

23/12/05