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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 56 of 2004

Jabalpur, this the 22nd day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

R.P. Gautam, Aged 57.5 years,  
Son of late Shri K.L. Gautam,  
Occup : Senior Account Officer,  
AGMP, Gwalior, Distt : Gwalior (MP). ... Applicant

(By Advocate - Shri Deepak Nema on behalf of Shri Praveen Verma)

V e r s u s

1. Comptroller and Auditor  
General of India,  
New Delhi.
2. Accountant General, Madhya  
Pradesh-1, Distt : Gwalior (M.P.). ... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main reliefs :

"i) That this Hon. Court may be pleased to quash the impugned order dated 27/28.05.2003 (Annexure A-1), order dated 30.05.2003 (Annexure A-4), order dated 28.08.2003 (Annexure A-7), order dated 05.01.2004 (Annexure A-12) and order dated 07.01.2004 (Annexure A-15) and after quashing the same this Hon. Court may be pleased to direct the respondents to allow the applicant to work as Senior Account Officer at Gwalior till superannuation."

He has also sought for interim relief by seeking direction to stay the operation of the impugned orders and allow the applicant to work as Senior Account Officer, AGMP, Gwalior.

2. The brief facts of the case as stated by the applicant are that the applicant was working as a Senior Accounts Officer in the establishment of respondent No. 2. He has been transferred from the office of Accountant General (A&E)-II, Madhya Pradesh, Gwalior to Accountant General, Chhattisgarh on temporary basis for a period of 18 months. The applicant has submitted his representation against the

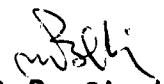
transfer and the same was rejected by the respondents. Thereafter the applicant has approached this Tribunal by filing Original Application No. 614/2003. By filing this OA No. 614/2003, the applicant has taken two grounds; a) for violation of statutory rules, and b) Accountant General, Madhya Pradesh is not the competent authority to transfer the applicant from Madhya Pradesh to Chhattisgarh. The Tribunal vide its order dated 28th November, 2003 has directed the applicant to make ~~xxxx~~ a detailed representation, and further directed the first respondent to decide the representation of the applicant in the light of the grounds taken by the applicant. Accordingly, the Assistant Comptroller and Auditor General, New Delhi/ <sup>has</sup> passed the order, confirming the transfer order passed by the Accountant General, Madhya Pradesh, Gwalior, on 05.01.2004. While passing this order the respondents have stated that at the time of issuing the transfer order, the applicant was below 57 years of age and therefore there is no violation of statutory guidelines. They have also stated that the AGMP is the cadre controlling authority and is competent to transfer the applicant to Raipur keeping in view the transfer policy approved by them. It is settled law by the Hon'ble Supreme Court, that transfer is an administrative matter and is an incident of service, which cannot be interfered <sup>with</sup> by the Courts/Tribunals, unless there is a violation of statutory rules. <sup>or it is malafide, with</sup> But the applicant has not attributed malafide against any officer in the office of respondents No. 1 and 2. Keeping in view the above factual and legal position, we find that there is no ground to interfere with the transfer order passed by the respondents on 27.05.2003 (Annexure A-1).



3. For the reasons recorded above, the Original Application is bereft of any merit and the same is accordingly dismissed at the admission stage itself.



(G. Shanthappa)  
Judicial Member



(M.P. Singh)  
Vice Chairman

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राजीव गांधी

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- (3) दूरध्वांशु
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