

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.344 of 2004

Bilaspur, this the 24th day of November, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Govind Ubnare, aged 48 years, son of Shri
Phusiaji Ubnare, working as Lascar(Indal)
At the Air Force Station, Amala, Distt.
Betul(MP)

Applicant

(By Advocate –Shri Naveen Dubey on behalf of
Shri P.N. Dubey)

Versus

- 1 Station Commander, Air Force Station
Amla, Distt. Betul(MP)
2. Air Officer-Commanding-in-Chief,
Headquarters, Maintenance Command,
Indian Air Force.
3. Chief of the Air Staff, Air Headquarters
New Delhi.-11

Respondents

(By Advocate – Shri P.Shankaran)

ORDER

By M.P.Singh, Vice Chairman –

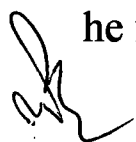
By filing this OA the applicant has sought the following main relief:-


“(i) Issue a writ in nature of writ of Mandamus commanding respondents not to declare the applicant surplus at Air Force Station, Amla in violation of policy

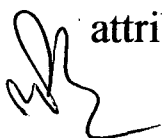


and to issue writ in nature of writ of Certiorari for quashment of Annexure A-1 and also order of respondent No. 2 dated 14.1.2004 so for the same relates to the applicant, after summoning the same."

2. The brief facts of the case are that the applicant who was working as a Lascar Tindals at Amla was posted out to Maintenance Command (Unit), Air Force, Nagpur vide order dated 14.1.2004, as being surplus at their depot. The establishment of Lascar Tindels was reviewed by the Air Force Standing Establishment Committee during the year 2002 and a total of 3 Lascar Tindels of the depot became surplus as a result of reduction in the establishment. Keeping in view the revised establishment of the depot in respect of the posts of Lascar Tindels, two junior most Lascar Tindels have already been posted out/ adjusted at a nearby Air Force Unit as per their transfer orders. However, the applicant did not move out on posting to Maintenance Command(Unit), Air Force, Nagpur and instead filed the present OA in the Tribunal stating that his seniority of Lascar Tindel has not been fixed according to the existing rules and regulations. According to the respondents, the applicant is the junior most Lascar Tindel on the posted strength of the depot and accordingly his transfer order was issued by the higher Air Force authority. The applicant had earlier submitted an application dated 22.1.2004 for holding his transfer for a period of four months. However, during the period of his absence from his place of duty from 12.4.2004 to 30.4.2004 he has been misguided about his seniority and subsequently he filed the present O.A. seeking the aforesaid relief.



3. We have heard both the learned counsel of parties. We find that as per the reply filed by the respondents the working strength of the depot has been reviewed and three Lascar Tindels had been declared surplus who have been proposed to be redeployed at various other places wherever there were vacancies. Accordingly, the applicant has been posted out to Nagpur. It is not in dispute that the applicant has been declared surplus. On the review of the strength of Lascar Tindels three posts have been reduced. Three junior most persons are required to be redeployed. According to the particulars given by the applicant himself in para 6.3 of the OA, out of five Lascar Tindels, two Lascar Tindels are senior to him. Thus, there were three persons, including the applicant, who were required to be posted out. It is also not in dispute that the applicant vide his letter dated 22.1.2004 has made a representation that his transfer should be held in abeyance for a period of four months and he has also stated that in the 1st week of May, he will carry out the transfer by joining his posting at Nagpur. The respondents have accepted his request and withheld his transfer by four months. The applicant instead of implementing the transfer order has approached this Tribunal and has questioned the seniority of Lascar Tindels. It is a well settled legal proposition that the orders of transfer cannot be interfered with by the Courts or Tribunals unless they have been issued in violation of the guidelines or  any malafide is attributed to an officer. In this case, no malafide has been attributed to any officer and the applicant has failed to



establish that this transfer is in violation of any guidelines. In this view of the matter, we do not find any ground to interfere with the impugned orders.

4. In the result, the O.A. is without any merit and is accordingly dismissed, however, without any order as to costs.

(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/ज्या.....जलपुर, दि.....

परिचयः ॥ अथ विचारः—

- (1) सचिव, नगर पंचायत एवं नगर प्रशासकीय विभाग, जयपुर
(2) अध्यक्ष श्री/प्र.जी/सु के कार्यालय
(3) प्रत्यक्ष श्री/प्र.जी/सु के कार्यालय

(क) ग्रंथपाल, कोषाध्यक्ष, ज. ७, ... क्या पीठ

सूचना एवं आवश्यक ध्यानवाही हेतु

उप रजिस्ट्रार

P. M. Dubey Advocate 0780
224 224

P. Shankaran Adv. OBO

Issued
On 2-12-07
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