

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
Original Application 671 of 2003

Jabalpur, this the 30th day of September, 2003.

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member  
Hon'ble Mr. G. Shanthappa, Judicial Member

R.P. Shukla, aged 55 years, S/o Shri  
B.P. Shukla, Divisional Forest Officer  
South Panna Forest Division(T),  
Panna.

APPLICANT

(By Advocate - Shri Sanjay K. Agrawal)

VERSUS

1. Union of India, through its Secretary, Department of Personnel and Training, New Delhi.
2. State of Madhya Pradesh, through its Principal Secretary, Department of Forest, Mantralaya, Bhopal
3. Shri V.K. Saxena, Divisional Forest Officer(T), Vidisha, District Vidisha.

(By Advocate-(None for the respondents Nos 1 & 2.  
Shri Shajid Akhtar for respondent No. 3)

ORDER (ORAL)

By Anand Kumar Bhatt, Administrative Member -

Heard both the parties on interim relief sought for. The applicant has been transferred vide order dated 15.9.03 (Annexure-A-4) from the post of Divisional Forest Officer South Panna as Deputy Conservator of Forest, Office of <sup>a</sup>Principal, Chief Conservator of Forests Head Quarters - Bhopal.

2. The main grounds taken by the applicant are that -  
(i) he has been subjected to frequent transfer. He was transferred from Bhopal to Panna on 1.7.2002 which is about an year back. Previously also he was transferred twice in Bhopal itself; (ii) he has been suffering from Hepatitis Amnesia with Nephropathy and undergoing the treatment at Birla Vikas Hospital Satna and he does not want to change the physician(consultant)at this stage; and

*Anand Kumar Bhatt*

(iii) the transfer order is malafide as he did not succumb to the pressure of local politician.

3. Shri ~~S~~ajid Akhtar appearing on behalf of respondent No. 3 Shri B.K. Saxena (who has been transferred in place of the applicant R.P. Shukla from Vidisha) states that Shri Saxena does not want to be disturbed from the present posting.

4. Heard counsel for both the sides.

5. So far as the caveator is concerned, we do not think that in view of what Shri Akhtar, learned counsel <sup>his case</sup> has stated, is relevant to the present case of transfer of the applicant.

5; As regards the applicant's contention that he was frequently transferred from Bhopal to Panna, and then within Bhopal itself, we do not think that it is within the jurisdiction of this Tribunal to judge the administrative exigency under which the applicant was transferred Bhopal to Panna. As regards the other arguments of the applicant that he is suffering from Hepatitis Amnesia with Nephropathy, we feel that Bhopal is not such a place which does not offer excellent medical services. The question of malafide, on the part of the respondents for his transfer, is not something which can be decided at this stage.

6. The transfer is purely an administrative matter and the Apex Court also time and again has held that the Tribunal has very limited jurisdiction in the matter of transfers. It has been decided in the case of State Bank of India Vs. Anjan Sanyal 2001 SCC(L&S) 858, <sup>that</sup> unless malafide is proved, the transfer order should not be lightly interfered with. Similarly in another case of National Hydroelectric Power Corporation Ltd. Vs. Shri Bhagwan, 2002 SCC(L&S) 21 it has been held that the transfer of the employee is not only an incident but a condition of service and unless shown to be an outcome of

malafide exercise of power or violative of any statutory provision, it cannot be subject to judicial interference as a matter of routine. We are afraid that the interim relief prayed for in this case cannot be granted. Accordingly it is refused.

6. At this stage, the learned counsel for the applicant states that the applicant has given a representation to the <sup>a</sup> ~~Principle~~ Secretary, Department of Forests, Madhya Pradesh Government <sup>for</sup> cancellation of his transfer, and this representation has not yet been decided. He submits that he will be satisfied if this OA is decided with a direction to the respondents to dispose of the applicant's representation within a time frame. Accordingly the respondents are directed that the representation of the applicant may be decided within one month from the date of receipt of a copy of this order. The OA stands disposed of.

(G/ Shanthappa)  
Judicial Member

(G. Shanthappa)  
Judicial Member

(Anand Kumar Bhatt)  
Administrative Member

SKM

पृष्ठांकन सं ओ/न्या.....	जबलपुर, दि.....
पत्रितिपि उच्चे दित्तः—	
(1) राजित, राज्य प्राप्ति लाभ एवं विभिन्न राज्यों के जबलपुर	
(2) विभिन्न राज्यों के राज्यों के जबलपुर	
(3) विभिन्न राज्यों के राज्यों के जबलपुर	
(4) विभिन्न राज्यों के राज्यों के जबलपुर	
सम्मान उप अधिकारी कर्तव्यों के द्वारा	

S. K Agarwal, Ad  
S. Akhtar - AdW

~~Entered  
on  
7/10/03~~