

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)

O R D E R (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
Principal^a, 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



(iii) the transfer order is mala fide as he did not succumb to the pressure of ^a local politician.
^

3. Shri ~~Shajid~~ 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 has stated, ^{his case} 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 ^{in before that} ~~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 mala fide, 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(I&S) 858, ^{that} unless mala fide 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(I&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


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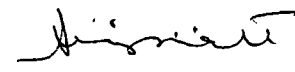
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malafide exercise of power or violative of any statutory provision, it cannot be subject to judicial interference as a matter of routine. We are afraid that the interim relief prayed for in this case cannot be granted.

Accordingly it is refused.

6. At this stage, the learned counsel for the applicant states that the applicant has given a representation to the Principal^u Secretary, Department of Forests, Madhya Pradesh Government^{for} 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


(Anand Kumar Bhatt)
Administrative Member

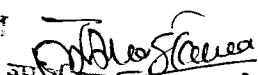
SKM

पूरांकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि वाक्ये दितः—

- (1) मजिस्ट्रेट, जबलपुर, दि. 7.10.03
- (2) जिला मजिस्ट्रेट, जबलपुर
- (3) जिला मजिस्ट्रेट, जबलपुर
- (4) जिला मजिस्ट्रेट, जबलपुर

S. K Agarwal A.C.
S. Akhtar - A.C.

Filed
on
7/10/03


7.10.03