

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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12.9.2007

MA 182/2007 (OA 239/2007)

Mr. Shiv Kumar, counsel for applicant.  
Mr. Hemant Mathur, counsel for respondents.

At the request of learned counsel for the applicant, let the matter be listed on 14.9.2007.

Tarsem Lal

(TARSEM LAL)  
MEMBER (A)

Chauhan

(M.L.CHAUHAN)  
MEMBER (J)

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14-9-2007

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MA NO. 182/2007, MA NO. 213/2007 & OA NO.  
1239/07

Mr. Shiv Kumar - Counsel for the applicant  
Mr. Runal Ramat and Mr. Hemant Mathur,  
Counsel for respondents

Heard the learned Counsel for the parties.  
For the reasons dictated separately, the  
OA alongwith MAs are disposed of.

Tarsem Lal

(TARSEM LAL)

Member (A)

Chauhan

(M.L.Chauhan)

Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 14th day of September, 2007

ORIGINAL APPLICATION No.239/2007

(with MA No.182/2007 & MA No.213/2007)

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

Suva Lal  
s/o Shri B.K.Tanwar,  
r/o Plot No.3, Bismila Colony,  
Jhotwara, Jaipur, Rajasthan  
at present employed on the post of  
Peon in Canteen Store Department Depot,  
Jaipur

.. Applicant

(By Advocate: Mr. Shiv Kumar)

Versus

1. Union of India through its Secretary, Ministry of Defence, Canteen Store Department, New Delhi.
2. General Manager, Canteen Store Department, Adelphi, 119, M.K.Road, Mumbai.
3. Manager, Canteen Store Department Depot, Panipaich Road, Jaipur.

.. Respondents

(By Advocate: Mr. Kunal Rawat, SCGSC alongwith Mr. Hemant Mathur)

**O R D E R (ORAL)**

The OA was not listed for final hearing today, but with the consent of both the parties, the OA was taken up for final hearing alongwith Misc. Applications.

2. The applicant has filed this OA against the order dated 7<sup>th</sup> May, 2007 (Ann.A1) whereby he was transferred from Jaipur to Bikaner.

3. Notice of this application was issued on 18.7.2007 returnable within one week and the matter was listed on 25.7.2007 for consideration of interim prayer. On 25.7.2007, interim stay was granted in favour of the applicant and the applicant is continuing at Jaipur pursuant to the interim stay granted by this Tribunal which was extended from time to time.

Respondents have filed reply. The respondents have also moved a Misc. Application for vacation of interim stay and have also given reasons as to why two persons who are junior to the applicant have been retained in Jaipur and under what circumstances the applicant has been transferred to Bikaner. It has been stated that in Jaipur Depot three persons are working including the applicant. Smt. Rukmani Kanwar is widow

and appointed on compassionate grounds w.e.f. January, 1992 and she is heart patient. Other person namely, Shri Bhanwar Lal was also appointed on compassionate grounds w.e.f. April, 1997, is having 80% disability and is handicapped person. Therefore, both of these were not considered for transfer by the HO Grievance Committee and this fact was also communicated to the applicant vide order dated 7<sup>th</sup> June, 2007 (Ann.A2). The respondents have also pleaded that there is a provision in the transfer policy circulated by the Ministry (Ann.A5) and as per Para 12, female staff will not be transferred to any field station, unless they are willing to go. To the extent possible, women employees will not be posted to hard/tenure station except at their own request. It is further pleaded that Bikaner is a tenure station and Smt. Rukmani Kanwar has not requested for transfer to Bikaner and Shri Bhanwar Lal was not considered due to 80% disability. Therefore, in such situation, the applicant was transferred as per guidelines issued under the transfer policy.

4. The learned counsel for the applicant submits that now Bikaner is no more a tenure station, as can be seen from letter dated 31<sup>st</sup> July, 2007 (Ann.MA/1 to MA No.182/2007), as such, his case is required to be reconsidered in the light of Para 12 as the ground of

Smt. Rukmani Kunwar for being posted to hard/tenure station on her request does not survive.

5. We have given due consideration to the submissions made by the learned counsel for the parties. We are of the view that it is not open for us to interfere in such matters. Who should be posted where is a matter to be considered by the appropriate authority in the exigency of service. The scope of interference in the matters of transfer is very limited, unless it is shown that the transfer order has been passed on account of mala-fide action or in violation of statutory provisions, which is not the case here. Thus, we are of the view that no interference is required in this matter. However, it is made clear that in case the applicant wants to make any representation on the basis of letter dated 31<sup>st</sup> July, 2007, whereby Bikaner Depot stands ceased to be tenure station, he may do so and in case the respondents want to grant any relief to the applicant, our order will not come in their way. With these observations, the OA is disposed of. The interim direction issued on 25.7.2007 shall stand vacated.

The learned counsel for the applicant submits that he will make a representation within a week and direction may be given to the authorities to decide the same within a further period of one week so that he may know fate of his case and proceed further in

W/C

the matter. We have given due consideration to the contention raised by the learned counsel for the applicant. Needless to add that in case a representation is made by the applicant, it is expected that the authority concerned will decide the same expeditiously.

Since the interim stay granted has been vacated, the MA No.182/2007 for vacation of stay does not survive and is disposed of accordingly. The learned counsel for the applicant does not press MA No.213/2007, which stands disposed of as not pressed.

*Tarsem Lal*  
(TARSEM LAL)

Member (A)

*M.L.Chauhan*  
(M.L.CHAUHAN)

Member (J)