

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s) Ms. Gladys Dixon

Respondent(s) L.W.D.

Advocate for Applicant(s)

Advocate for Respondent(s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
19.9.07	<p>Exa 328/2007</p> <p>Mrs. Manjeet Kaur, counsel for applicant Heard the learned counsel for the applicant.</p> <p>The oral stand dismissed by a separate order.</p> <p><i>J.P. Chahal</i> (J.P. Chahal) M(A)</p> <p><i>M.G.J.</i> (M.G.J.) M(G)</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 19th day of September, 2007

ORIGINAL APPLICATION NO. 328/2007

CORAM :

HON'BLE MR. M. L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J. P. SHUKLA, ADMINISTRATIVE MEMBER

Ms. Gladxs Dixon
w/o Shri Subodh,
r/o 11, Beawar Road,
Near Sabzi Mandi,
Chandra Nagar,
Ajmer.

... Applicant
(By Advocate : Mrs. Manjeet Kaur)

Versus

1. Union of India through
General Manager,
North Western Railway,
Jaipur.
2. Divisional Railway Manager,
Ajmer.
3. Railway Hospital, Ajmer, through
Chief Medical Supdt.
4. Sr. Divisional Medical Officer (Nursing),
Railway Hospital,
Ajmer.

... Respondents
(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR. M. L. CHAUHAN

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The applicant has filed this OA aggrieved by the impugned order dated 28.7.2007 (Ann.A/1), whereby she has been transferred from OT, Railway Hospital, Ajmer, to Casualty, Railway Hospital, Ajmer.

2. According to the learned counsel for the applicant, the impugned order has not been passed in the administrative exigency. In fact, the impugned order has been passed on mala fide grounds inasmuch as the inquiry proceedings were going on against the applicant and it is the outcome of those inquiry proceedings that the applicant has been transferred.

3. We have given due consideration to the submissions made by the learned counsel for the applicant. We are of the view that the present OA is bereft of merit. Law on the point of transfer is well settled. Who should be transferred where and when is the matter to be considered by the competent authority. It is not for the Courts/Tribunals to interfere in such matters unless it is established that the transfer is made on account of mala fide action or in violation of any statutory rule or for extraneous consideration. Moreover, we are of the view that it cannot be said to be a case of transfer as the applicant has been transferred within the same hospital i.e. from OT to Casualty. Thus, it is not a case where interference by this Tribunal is called for.

4. The OA is accordingly dismissed at the admission stage itself.



(J.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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