

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3805/2017

New Delhi, this the 1st day of November, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Laxmi Narayan Tyagi
(Aged about 57 years)
S/o Shri Sulekh Chand Tyagi,
T.O. 8619, Emp. No.D1900948,
O/o SDE (FRS) MV II,
R/o F-1702, Pearl Court, Ram Prastha Green,
Vaishali, Ghaziabad, UP. .. Applicant

(By Advocate : Shri S.K. Tyagi)

Versus

1. Executive Director,
Mahanagar Telephone Nigam Ltd.,
Khurshid Lal Bhawan,
Janpath, New Delhi-110001.
2. The General Manager (Admn.)
Mahanagar Telephone Nigam Ltd.,
Khurshid Lal Bhawan,
Janpath, New Delhi-110001.
3. The General Manager (Trans Yamuna),
Mahanagar Telephone Nigam Ltd.,
G Block, Shopping Centre, Preet Vihar,
Delhi-110092. .. Respondents

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard the learned counsel for the applicant.

2. The applicant, who is presently working as Telephone Operator under the respondents – MTNL, filed the O.A. questioning his transfer from Mayur Vihar, Phase-II to Kidwai Nagar.

3. In **Rajendra Singh & Others v. State of UP & Others**, (2009) 15 SCC 178, the Hon'ble Apex Court held as under:

"6. A Government Servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the Government Servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires [see **State of U.P. v. Gobardhan Lal**; (2004) 11 SCC 402].

7. The courts are always reluctant in interfering with the transfer of an employee unless such transfer is vitiated by violation of some statutory provisions or suffers from mala fides. In the case of **Shilpi Bose (Mrs.) & Ors. v. State of Bihar & Ors.** AIR 1991 SC 532, this Court held :

"4. In our opinion, the courts should not interfere with a transfer order which is made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer orders."

8. In **N.K. Singh v. Union of India & Ors.** (1994) 6 SCC 1998, this Court reiterated that the scope of judicial review in matters of transfer of a Government Servant to an equivalent post without adverse consequence on the service or career prospects is very limited being confined only to the grounds of mala fides or violation of any specific provision."

4. The only contention of the applicant is that the transfer is against the respondents own transfer policy in respect of Broadband Call Centre duties, but no transfer policy is filed or quoted in the O.A. It is not in dispute that the applicant is transferred from one office in Delhi to another office in Delhi and in no way his personal life is disturbed nor there is any change in service conditions.

5. In the circumstances, we do not find any merit in the O.A. and, accordingly, the same is dismissed. However, this order shall not preclude the respondents from considering the representation of the applicant, in accordance with law. No order as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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