CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

...

OA No. 060/01433/2017 Date of decision- 04.12.2017

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)

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MES 316977 Ajay Kumar S/o Sh. Madan Gopal, aged 29 years, working as LDC at CE, Bathinda Zone, MES Headquarters, Bathinda R/o House No. 17015/A, 40 feet road, Aggarwal Colony, Bathinda-151001. (Group C).

...APPLICANT

BY ADVOCATE : Mr. Jagdeep Jaswal, Advocate.

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Engineer-in-Chief, Engineer-in-Chief's Branch Integrated HQ of MoD (Army), Kashmir House, New Delhi-110011.
3. Chief Engineer, Headquarters, South Western Command, PIN 908546, C/o 56 APO.
4. Chief Engineer, Bathinda Zone, MES, Bathinda.

...RESPONDENTS

ORDER (ORAL)

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SANJEEV KAUSHIK, MEMBER(J):-

The applicant has challenged the correctness of transfer order dated 12.10.2017 (Annexure A-1) vide which he was transferred from CE, Bathinda Zone to CE(AF), Phalodi and order dated 22.11.2017 whereby his representation against his transfer order has been rejected.

2. We have heard learned counsel for the applicant.

3. The applicant commenced his service with respondent department as LDC w.e.f. 04.05.2010 and was posted at CE, Bathinda Zone. He continued to remain there till impugned order of his transfer passed by the respondents transferring him from CE, Bathinda Zone to CE(AF), Phalodi. As per the argument raised by learned counsel for the applicant, impugned order of transfer is bad in law as the respondents have transferred him on tenure posting without realizing the fact that he has already been promoted to the post of UDC. He, therefore, prayed that impugned order be set aside. He also argued that impugned order of transfer is in violation of Transfer Policy annexed as Annexure A-2 whereby the respondents were required to ask the applicant for choice station before transferring him out of station. Since they have not asked for choice station, therefore, impugned order be invalidated and respondents be directed to withdraw the impugned order and then ask for choice station and post him as per his choice station.

4. We have given our thoughtful consideration to the entire matter and have perused the pleadings as available on record.

5. We are clear in our mind as per the ratio laid down by the Lordship in number of cases holding that the Courts should not interfere with a transfer order which are 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 malafide. 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. Reference in this regard is placed upon the judgment of the Hon'ble Supreme Court passed in case of ***Shilpi Bose Versus State of Bihar***(AIR 1991 SC 532).

6. In the light of the above, we proceed to examine the present case. In the present case, it is not disputed by the applicant that since 2010, he is continuing at Bhatinda, only on his promotion as UDC, he has been transferred out of Bhatinda zone and posted at Phalodi.

7. Even second submission raised by the applicant does not holds the field because the respondents have categorically stated in the order rejecting his representation against his transfer order that he was asked for three choice stations and has been given one of the choice station i.e his third choice station, which can be seen from para 2(f) of the order dated 22.11.2017. Therefore, we see no reason to interfere with the transfer order and accordingly, present O.A is dismissed in limine being devoid of merit.

8. No other point raised. No order as to costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 04.12.2017

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