

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/650/2018

... Date of decision: 01.06.2018

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

Surinder Pal Singh son of Sh. Haridev Singh, aged 49 years, working as Office Superintendent in the office of Senior Section Engineer, Point Way, Northern Railway, Muktsar, Punjab. (Group 'C').

**... APPLICANT
VERSUS**

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager/P, Northern Railway, Firozpur.
3. Sh. Surender Kumar, Senior Section Engineer, Point Way, Northern Railway, Muktsar, Punjab.
4. The Sr. Divisional Engineer/C, Divisional Office, Northern Railway, Firozpur.

... RESPONDENTS

PRESENT: Sh. D.R. Sharma, counsel for the applicant.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant challenging impugned transfer order dated 23.03.2018 (Annexure A-1) qua him, orders dated 16.05.2018 (Annexure A-12) and 24.05.2018 (Annexure A-13). He has taken various grounds for invalidation of the impugned orders.

2. In the present case, the applicant has also impugned earlier order dated 23.03.2018 against which he had approached this Court by filing O.A. No.60/511/2018, which was disposed of vide order dated 27.04.2018, with a direction to respondents to decide his pending representation and till such decision is taken, operation of the impugned order was stayed. It is in furtherance thereto, the respondents have passed impugned orders, against which the applicant is before this Court.
3. Learned counsel for the applicant vehemently argued that impugned orders have arbitrarily been passed, without considering the pleas raised by the applicant, therefore, the same be quashed and set aside.
4. We have given our thoughtful consideration to the entire matter and are of the view that this O.A. deserves to be dismissed. The applicant has no case, as he has been transferred from Muktsar to Ferozepur, which is less than 50 k.m. Perusal of the impugned orders also suggests that after direction of this Court, respondents have considered the submissions made by applicant against his transfer and have turned down the same. As per settled law, the Court will not interfere in the matter of transfer unless it is shown to be against the statutory rules/instructions or out of malice. No element of such a nature is found to be existing in the impugned orders and as such same cannot be interfered with. Law is well settled on the issue. The Hon'ble Apex Court in the case of **Airport Authority of India versus Rajeev Ratan Pandey** (2009(8) S.C.C. Page 337) has held that "in the matter of transfer of a government employee, the scope of judicial review is limited

and the High Court would not interfere with an order of transfer lightly, be it at interim stage or final hearing". It is prerogative of the employer to utilize the services of its employees to post them and no employee can ask for a particular choice of station. Therefore, we see no reason to interfere in the matter.

5. Accordingly, O.A. is dismissed in limine.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 01.06.2018.

Place: Chandigarh.

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