

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1112/2003

New Delhi this the 2nd day of May, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Shri Mohan Madhavan,  
S/O Shri N.B.Mohan,  
R/O 15-B, Pocket C,  
Mayur Vihar Phase-II, Delhi.

..Applicant

(By Advocate Mrs.Sumedha Sharma )

VERSUS .

1. Director I.P.& T ( Information,  
Publicity and Tourism), Andaman  
and Nicobar Admn., Port Blair.
2. The Secretary,  
I.P.& T (Information, Publicity and  
Tourism) Secretariat  
Andaman and Nicobar Admn.,  
Port Blair.
3. Joint Resident Commissioner,  
Andaman Bhawan, No.12,  
Chanyakpuri, New Delhi-21

.Respondents

O R D E R (ORAL)

( Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

I have heard Mrs.Sumedha Sharma; learned counsel. She has contended that the impugned order of transfer issued by the respondents dated 29.4.2003, transferring the applicant working in the office of Deputy Resident Commissioner, New Delhi to the Directorate of Information, Publicity and Tourism) (IP&T), Port Blair is malafide. She relies on a representation made by one Shri Rustam Ali who was senior to the applicant and had requested for transfer to Port Blair. According to the learned counsel there was no reason why the respondents could not have transferred Shri Rustam Ali, instead of transferring the

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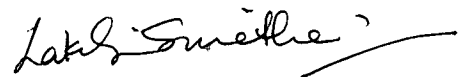
applicant to the Directorate of IP&T, Port Blair from the Deputy Resident Commissioner Office, New Delhi. Applicant has submitted a representation against the transfer order to the respondents which is undated, copy placed on record.

2. It is relevant to note that the applicant has not placed on record the offer and appointment order given to him by the respondents on 15.1.2002, which is referred to in Paragraph 2 of his aforesaid undated representation. It is further relevant to note that the transfer order impugned in the present application has been issued by the Andaman and Nicobar Administration, Directorate of IP&T who transferred the applicant from one office under that Administration to another office, which happened to be from New Delhi to Port Blair. I am not impressed with the arguments submitted by the learned counsel that there is any malafide intention on the part of the respondents in transferring the applicant by the aforesaid order or that detail reasons have not been given, having regard to the settled law on the subject of judicial review and interference by the judicial authority/Courts in such matters, <sup>which is</sup> are within the discretion and powers of the Head of Office (See the judgements of the Hon'ble Supreme Court in Union of India Vs. S.L.Abbas (1993(2)SLR 585) and Shri N.K.Singh Vs. Union of India and Ors. (1994(28)ATC 246). The contention of the learned counsel for the applicant that as one Shri Rustam Ali is stated to be senior to the applicant and had requested for transfer to Port Blair,

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therefore, he should have been transferred instead of the applicant is also not within the purview of the judicial review because it is for the Head of Office to decide who should be posted where. Besides, no seniority list has been placed on record to establish this fact about the seniority etc. of the applicant <sup>and the other person B.</sup> Apart from this, it is also relevant to note that the applicant has submitted a representation undated against the impugned transfer order dated 29.4.2003 and this OA has been filed immediately thereafter, giving hardly any time to the respondents to consider the same.

4. For the reasons given above, I find no merit in this application. The same is accordingly dismissed in limine.



( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

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