

LAXMI NARAIN MEHAR

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v.

UNION OF INDIA AND ORS.

FEBRUARY 24, 1997

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

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Service Law :

Transfer—Officer belonging to Scheduled Caste—Challenging order of his transfer on the grounds that he was transferred to his present post on compassionate grounds and that members belonging to Scheduled Caste are to be posted nearer to their home towns—Held, in view of the express indication given in the order i.e., need of experienced staff at the relevant place, the transfer order cannot be said to be arbitrary—Though instructions have been issued for retention of officer belonging to Scheduled Caste at the nearest of his home town, it would be subject to administrative exigencies : authority has power to transfer him when administrative need arises—There is no justification to interfere with the order of transfer.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
Nos. 3433-34 of 1997.

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From the Judgment and Order dated 28.11.96 of the Central Administrative Tribunal, Jodhpur in O.A. No. 330/96 and R.A. No. 42/96.

S.C. Gupta, Ms. Monika Rohtagi and Ms. Rekha Pandey for the Petitioner.

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The following Order of the Court was delivered :

The petitioner was transferred from Kota to Mumbai on the administrative ground as indicated in the order. The petitioner approached Administrative Tribunal. The Central Administrative Tribunal, Jabalpur by its order dated November 28, 1996 has dismissed the same. Thus this special leave petition.

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Learned counsel for the petitioner contends that the petitioner was transferred on compassionate grounds and the transfer is not valid in law. Though he might have been transferred on compassionate grounds, in view

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- A of the express indication in the order giving reasons for the transfer, i.e., need of experienced staff at the respective places, the transfer order cannot be said to be arbitrary. Then it is contended that the petitioner being an officer belonging to the Scheduled Castes, is entitled to be considered for retention of his posting nearest his home town. It is true that the instructions have been issued as reproduced at page No.18 of the paper book to that effect, yet they would be subject to the administrative exigencies. It is stated that the services of the experienced officer were necessary and so the transfer order came to be made. It is true that as far as possible, the convenience of the officer belonging to Scheduled Castes and Scheduled Tribes may be considered and he may be posted near the home town, but
- B the authority has power to transfer him when the administrative need arises. It is further contended that the petitioner had made allegations against the officers and the transfer is a vindictive measure of punishment. It is seen that he was transferred on account of administrative exigencies.
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- D Under these circumstances, we do not think that there is any justification to interfere with the impugned order. The petitioner, if so advised and is desirous, may make a representation before the appropriate authority and the appropriate authority may consider it on merits.

The special leave petitions are dismissed.

E R.P.

Petitions dismissed.