

(2002) 09 PAT CK 0118
In the Patna High Court
Case No : C.W.J.C. No. 10645 of 2002

Dharam Deo Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-09-2002

Acts Referred:

Citation : (2002) 4 PLJR 703

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This writ application has been filed against the judgment and order dated 20th August, 2002 passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 515 of 2002, M.A. No. 286 of 2002 and M.A. No. 303 of 2002 whereby the petition of the Petitioner against the order of transfer has been dismissed.

2. Before the Tribunal the order of transfer was impugned. The Tribunal allowed an opportunity to the parties concerned and considering the rival claim including claim of the authority concerned that the order of transfer has been made in the interest of work and also the claim of Respondent No. 9 that Petitioner before the Tribunal is not maintainable as the Petitioner did not avail alternative remedy and also that suppressed the material facts, refused to interfere with the order of transfer. However, learned Counsel for the Petitioner alleged mala-fide against the Minister concerned in passing the order of transfer. It appears from the material on record that the Petitioner did not approach the Member of Legislative Assembly for transfer to a particular place rather the Member of Legislative Assembly on his own wrote a letter to the authority concerned. The Member of Legislative Assembly being a public representative may write such letter to the authority concerned in the interest of work and in public interest and the authority concerned has to pass order in the interest of work. In such a situation, it cannot be taken misconduct on the part of the employee. Further more, mala-

fide has been alleged against the Minister but he was not made party either before the Tribunal or before this Court. It is well known that if mala-fide is alleged against a particular authority/person then such person is necessary party to be impleaded in the litigation but in the instant case the person concerned has not been made party and as such the Tribunal has considered the, aforesaid aspect and has rejected the contention of the Petitioner.

3. Thus on consideration, as discussal above, we find no reason to interfere With the order impugned. Accordingly, the writ petition is dismissed.