
(1990) 08 DEL CK 0006

In the Delhi High Court

Case No : Civil Writ Appeal No. 1574 of 1990

Prem Dutt Parashar

APPELLANT

Vs

Bureau of Indian Standards

RESPONDENT

Date of Decision : 22-08-1990

Acts Referred:

Citation : (1990) 42 DLT 610 : (1991) 62 FLR 492

Hon'ble Judges : Usha Mehra, J;S.B. Wad, J

Bench : Division Bench

Advocate : K.K. Pai and B.K. Sood, for the Appellant;

Judgement

S.B. Wad, J.

(1) Bureau of Indian Standards was established under the Bureau of Indian Standards Act, 1986. It has its headquarters at New Delhi and 17 branch officers in various parts of India. These petitions are filed by seven scientific cadre officers against their transfer to different branches by Bureau's order dated 4th May, 1990. It may be noted that about 80 officers were transferred from one branch to another and some to the headquarters at Delhi. More than 70 officers have already moved out on transfer to different places.

(2) The petitioners are senior officers who are getting more than Rs. 4,000.00 as carry home salary. There are no malafides alleged against the respondents in passing transfer orders. The contention of the petitioners is that the service regulations laying down terms and conditions of service of employees do not provide for any transfer and, Therefore, their services are not transferable. The petitioners have also made personal grievances such as disturbance of the education of children or illness of old parents, not being considered by the respondents, while issuing the transfer orders. The petitioners have also submitted that their wives working as teachers in Delhi Administration. Relying on the Circular No. O.M. No. 28034 /7/86-Estt(A) dated 3.4.1986 of the Central Government it is argued that since their wives are working in Delhi they cannot

be transferred out of Delhi. The respondents, however, submit that the appointment orders of the petitioners clearly state that their services are transferable. It is also argued that the transfers are in the interest of the services as well as the officers. They have evolved what is called placement policy in 1990. The gist of the policy is that the scientific cadre officers should have opportunity to acquire insight into the functions and problems of its different activities through actual work experience and job rotation. It is further stated that the Standards Formulation activity is carried out only at Headquarters (New Delhi), and it is, Therefore, necessary that the officers working in the Regional Branches are transferred to Delhi to require the specialised expert knowledge and experience in the said field. That rotation of officers is thus necessary for improving efficiency and the experience of the officers so as to secure optimum efficiency in the working of the bureau.

(3) Transfer is an "incidence" of service particularly where the service is an All India Service. It is not necessary in law that the transfer policy should be specifically laid down in the service regulations. No person has a right to be appointed or posted at a particular place of his choice permanently. The policy enunciated by the Bureau is eminently reasonable and is in public interest. Every officer who is working in the service has not only a right but duty, to get himself familiarized with the scientific activities carried out at the headquarters including standard formulation activities carried out at the headquarters. Thus the transfer policy does not suffer from any arbitrariness or vindictiveness.

(4) The grievance of some of the petitioners such as disturbance in the education of the children of illness of elder members of family are inconveniences which are common to every employee and nobody can avoid transfer merely on such grounds. The regional branches are located in the big cities in India where both educational and medical facilities are available. We do not think that the Central Government circular applies to the institution like the Bureau. The Central Government has its officers all over India and it is possible to transfer both husband and wife who are working in the Central Government to one place. The circular in question does not rule out transfers where any other spouse is also working but only tries to accommodate both for as possible to the place where both can work. The wives of the two petitioners are working as teachers in Delhi Administration. It would not be possible to transfer the wives also Along with the petitioner. If the submission of the petitioners is to be accepted it would mean that where spouse is working, an employee can never be transferred. Admittedly, the petitioners are working at Delhi or at the places near about Delhi for over 10 years. They are senior officers, and they had opted for being transferred. They cannot, Therefore, avoid transfers on late excuses. In case of industrial workers in case reported in Kundan Sugar Mills Vs. Ziyauddin and Others, the considerations are quite different. They are persons with incomes and it would mean uploading for them if they are transferred to far off -places. The same cannot be said by senior officers who are quite well off.

(5) For the reason stated above the writ petitions are dismissed in limini.