

(2012) 11 RAJ CK 0041
In the Rajasthan High Court
Case No : Civil Writ Petition No. 17512 of 2012

Ramesh Chandra Sharma

APPELLANT

Vs

Central Administrative Tribunal, Jaipur Bench, Jaipur and
Others

RESPONDENT

Date of Decision : 01-11-2012

Acts Referred:

Citation : (2012) 11 RAJ CK 0041

Hon'ble Judges : Narendra Kumar Jain, J;Arun Mishra, J

Bench : Division Bench

Advocate : Dharmendra Jain, for the Appellant;

Final Decision : Dismissed

Judgement

Hon'ble Jain, J.—Heard the learned counsel for petitioner. Petitioner has preferred this writ petition challenging the impugned order of Central Administrative Tribunal, Jaipur Bench, Jaipur (for short" the Tribunal") dated 16.08.2012, whereby Original Application No. 215/2012, filed by petitioner against his transfer order dated 28.02.2012, has been dismissed.

2. Submission of the learned counsel for petitioner is that transfer of petitioner was contrary to transfer policy. He submitted that respondent Nos. 4 and 5, namely Shri Bhawani Dutt Sharma and Shri N.K. Siddha had longer stay at Jaipur than the applicant, but they have not been transferred out of Jaipur. Petitioner has been transferred to Ringus, which is about 100 Kms. away from Jaipur. He, therefore, submitted that Tribunal committed an illegality in dismissing the Original Application of petitioner.

3. We have considered the submissions of learned counsel for petitioner and examined the impugned order passed by the Tribunal.

4. Tribunal has considered the submissions of both the parties. Submission of respondents before the Tribunal was that transfer of applicant is as per policy of respondent-Department. The transfer policy was placed on record and it was

submitted that petitioner has completed 4 years period, as provided in the transfer policy. So far as private respondents are concerned, they were senior employees and their transfer is also as per transfer policy itself.

5. Learned Tribunal, after considering the submissions of the parties, dismissed the Original Application of petitioner, observing that there is no dispute between the parties that applicant has completed four years tenure on the present post at Jaipur. Applicant has been holding sensitive post of Reservation/Booking Clerk for more than 4 years, therefore, as per transfer policy, he was required to be transferred and he has rightly been transferred.

6. In our view, the learned Tribunal was absolutely right in dismissing the Original Application of petitioner. Post of petitioner was transferable and it was an administrative act of respondents. No malafide has been attributed. The Tribunal has recorded a finding that transfer of petitioner as well as private respondents, is in accordance with the transfer policy itself.

7. That apart, it is relevant to observe that transfer policy is only an administrative order of the Department, which has no statutory force, therefore, the same cannot be got enforced through Court of law. Transfer of an employee can be made in the exigency of services or in the administration of justice. We find no infirmity in the order passed by the Tribunal.

8. In view of above, we find no merit in any of the submissions of learned counsel for petitioner. The writ petition lacks merit and the same is liable to be dismissed and is hereby dismissed in limine. Stay Application No. 14562/2012 also stands dismissed.