

(1994) 02 SC CK 0132

In the Supreme Court Of India

Case No : Civil Appeal No. 1358 Of 1994

Union of India (UOI) and Others

APPELLANT

Vs

Ganesh Dass Singh

RESPONDENT

Date of Decision : 25-02-1994

Acts Referred:

Citation : (1995) 3 SCC 223 Supp

Hon'ble Judges : S. P. Bharucha, J;J. S. Verma, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. DELAY condoned.

2. SPECIAL leave granted.

3. The respondent was posted at FOD Jodhpur from which he was transferred to the FOD Udhampur. He challenged his transfer on the ground of mala fides without indicating any particular individual against whom the mala fides were alleged, or impleading that person by name. The respondent also alleged that his superiors were annoyed on account of his trade union activities and the complaints made by him in that capacity about the functioning of the Depot. The tribunal did not accept the respondent's contention that the transfer was made on account of the complaints made by the respondent about the functioning of the Depot. However, the tribunal appears to have been influenced by the respondent's assertion that his trade union activities had influenced the transfer. Accordingly, the tribunal held that the transfer order had been made in colourable exercise of power. The transfer was accordingly quashed.

4. IN our opinion, in the present case there is no material to justify interference with the mere order of transfer made by the competent authority for administrative reasons particularly when the tribunal had rejected the respondent's assertion that the transfer had been made on account of certain complaints he had made regarding the functioning of the Depot. We have no a

doubt that the view taken by the tribunal is not justified on the facts found by it. It is also not within the scope of permissible judicial review in such matters relating to mere transfer made by the competent authority for administrative reasons.

5. CONSEQUENTLY, the appeal is allowed and the impugned order of the Tribunal is set aside. No costs.

6. The appellant may consider granting some reasonable time to the respondent to carry out the transfer order.