
(2006) 01 PAT CK 0012
In the Patna High Court
Case No : CWJC No. 5594 of 2005

Upendra Prasad Mandal

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 05-01-2006

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2006) 1 PLJR 484

Hon'ble Judges : J.N. Bhatt, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : P.N. Shahi, for the Appellant; Ravi Ranjan, for the Respondent

Final Decision : Dismissed

Judgement

1. The challenge in this writ petition by invocation of Articles 226 and 227 of the Constitution of India by the petitioner is against the order recorded by the Central Administrative Tribunal, Patna Bench at Patna on 18.4.2005 in O.A. No. 112 of 2005, whereby the challenge against the transfer of the petitioner, who has been working as Officer in the Postal Service Grade-B, from Purnea to Patna, has been rejected. We have heard the learned counsel appearing for the parties at the admission stage. We have considered the entire record and the text and tenor of the impugned order of the Tribunal. We have also taken into consideration the relevant pronouncement of law on jurisprudence of transfer.

2. The petitioner in his petition, inter alia, has contended that he joined the service of Postal Service Grade-B Officer and at the relevant time when he received transfer order he was posted at Purnea as Superintendent of Post Offices. He received an order of transfer from Purnea to Patna. There is no dispute about the fact that the petitioner is subjected to transfer any where in India, whereas, he has been transferred in the same State from Purnea to Patna. The Tribunal noticed that the impugned transfer is quite valid and in public interest and cannot be considered as a punishment.

3. Let it be also mentioned that incidental half-hearted allegation of mala fide so seriously made is not at all established while taking it very lightly later on. It is not the allegation of mala fide that helps the petitioner. The plea of mala fide has to be shown to the satisfaction of the Court. It can be only against denoting an earmarked person or limited person. Such a plea is nothing but an afterthought. The administrative exigencies when command and demand transfer, it is always the right of the master. It is only left to the management of the master for the public interest where the least interference should be by the Court. We therefore, find no substance in this petition.

4. Since no violation of any right has been shown there would not arise any question of enforcement of such right. The rejection of the application challenging the order of transfer seems to be quite justified. Otherwise also we are of the opinion that there is no valid or reasonable ground for questioning the transfer order. In our opinion, the impugned order of the Tribunal is required to be affirmed and confirmed. It has been stated at the Bar that the petitioner has not resumed at the transferred station so far on such an important post and that too when he has relinquished the charges at the previous station from where he came to be transferred, he is obliged to resume immediately at the transferred station. Therefore, we are obliged to direct the petitioner to resume on or before 25th of January, 2006 at the transferred station at Patna and to submit a report in writing to the Registry of this High Court failing which the registry will bring up the matter to our notice for further directions and orders. This petition shall stand dismissed at the admission stage itself. No order as to costs.