
(2021) 01 CAT CK 0074
In the Central Administrative Tribunal
Case No : Original Application No. 212 Of 2021

Yogesh Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 29-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0074

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Ajesh Luthra, Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. Till recently the applicant was working as an Inspector in the Central Bureau of Investigation Academy, Ghaziabad. Through an order dated

16.01.2021, he was transferred to Special Crime Branch (SCB), Cochin, on administrative grounds. Six other officers were also transferred through

the same order. The applicant was relieved on 21.01.2021. This OA is filed challenging the transfer order dated 16.01.2021 and relieving order dated

21.01.2021.

2. The applicant contends that some of the officers mentioned in the order dated 16.01.2021 are facing serious allegations and charges of serious

nature and inclusion of his name in the same list would send a wrong message. He submits that the use of words "administrative grounds" in

relation to him would connote a different meaning altogether. The applicant is said to have made a representation in this regard.

3. We heard Shri Ajesh Luthra, learned counsel for the applicant and Shri Hanu

Bhaskar, learned counsel for the respondents, at the stage of admission.

4. As many as 7 officers, out of whom 4 are DSPs and 3 are Inspectors in the CBI, were transferred from one place to another, on administrative grounds. The order, by itself, does not indicate any specific or individual reasons on account of which the officers are transferred. Once the order

does not refer to any negative factor, we fail to understand as to how the applicant can assume that he is being transferred, as a punitive measure.

5. During the course of arguments, learned counsel for the applicant wanted us to consider the feasibility of treating the transfer on "in public interest" or on "administrative exigencies".

6. Each office or department has its own method of modulating the orders passed by them. For example, the transfers are ordered either on administrative grounds or in the routine manner. The expression "administrative ground" would take in its fold, the exigencies of the department or

in certain cases the transfer being ordered as almost as a punitive measure. Out of sheer respect for the office held by the concerned officers, no

negative factors are mentioned in the orders of transfer. If the applicant is not facing any proceedings whatever, he should not have any plausible

objection for the transfer which is otherwise in the ordinary course of administration. In our view, the use of expression "public interest" may

connote something negative about him. The term "administrative exigency" is not employed in the orders of transfer.

7. We do not find any merit in the OA. It is accordingly dismissed. It is, however, made clear that the mere inclusion of the name of the applicant in

the order, wherein certain officers facing other charges also figured, does not connote anything negative and each officer would be known by his

record.

There shall be no order as to costs.