

Laxmi Narain Mehar

Vs

Union of India and Others

SLPs (C) Nos. 3433-34 of 1997

(K. Ramaswamy, G. T. Nanavati JJ)

24.02.1997

ORDER

1. The petitioner was transferred from Kota to Mumbai on the administrative to ground as indicated in the order. The petitioner approached the Administrative Tribunal. The Central Administrative Tribunal, Jodhpur by its order dated 28-11-1996 has dismissed the same. Thus this special leave petition.

2. The learned counsel for the petitioner contends that the petitioner was transferred on compassionate grounds and the transfer is not valid in law. Though he might have been transferred on compassionate grounds, in view of the express indication in the order giving reasons for the transfer, i.e., need of experienced staff at the respective places, the transfer order cannot be said to be arbitrary. Then it is contended that the petitioner being an officer belonging to the Scheduled Castes, is entitled to be considered for retention of his posting nearest his home town. It is true that the instructions have been issued as reproduced at p. 18 of the paper-book to that effect, yet they would be subject to the administrative exigencies. It is stated that the services of the experienced officer were necessary and so the transfer order came to be made. It is true that as far as possible, the convenience of the officer belonging to Schedule Castes and Scheduled tribes may be considered and he may be posted near the home town, but the authority has power to transfer him when the administrative need arises. It is further contended that the petitioner had made allegations against the officers and the transfer is a vindictive measure of punishment. It is seen that he was transferred on account of administrative exigencies.

3. Under these circumstances, we do not think that there is any justification to interfere with the impugned order. The petitioner, if so advised and is desirous, may make a representation before the appropriate authority and the appropriate authority may consider it on merits.

4. The special leave petitions are dismissed.