

20.12.2022
Court No.4
Item No.36
AP

WPCT 122 of 2022

**Smt. Sukla Chaudhuri
Vs.
Union of India and Ors.**

Mr. S.K. Datta
Mr. Barun Chatterjee

... For the Petitioner.

Mr. Pradip Kumar Das

... For the UOI.

The instant writ petition is directed against an order dated 25th November, 2022 passed by the Central Administrative Tribunal declining to pass an interim order. Initially, the representation was made to the authorities when the order of transfer was passed and the challenge was made to a decision before the Tribunal and the Tribunal appears to have been very sympathetic in disposing of the said Tribunal Application directing the authority to consider the said representation with due sympathy and, if necessary, after affording an opportunity of hearing to her. Subsequently the decision has been taken and the challenge is further made on the ground that it is an outcome of revenge taken against the writ petitioner.

It is further submitted that the railways have indicated and earmarked the posts, which are sensitive in nature, and the authority ought to have taken into account before the order of transfer is made.

It appears from the impugned order, which quoted the version of the authority reflected from the

order of transfer that she had completed four years of service in the present post and, therefore, in view of the Railway Board letter RBV No.2/2008 the rotational transfer after a gap of four years should be ensured.

There is no impunity or stigma having put on the writ petitioner in the said letter of transfer, which simply indicates that the said transfer is affected purely on an administrative ground in the interest of the railway organization and also in guidance of the Railway Board Directors.

It further appears that the present posting and the transfer posting are at a distance of 10 minutes, which is further reflected from the order of transfer. We are not unmindful of the proposition of law that the judicial review concerning the order of transfer is very limited and the Court cannot impose its own view, when the transfer orders are passed by an employer. It is within the domain of the employer to get the best potentials of the employee and to place him at a position, which would be beneficial for the said employer.

The nature of the interim order has sought for, if granted, at this stage of the motion would virtually grant the final relief and may impact the working and the administration of the railway.

We, thus, do not find there is any infirmity and/or illegality in the order of the Tribunal rejecting the prayer for interim order at this stage of motion.

The writ petition sans merit and the same is hereby dismissed.

However, it is made clear that the observations made hereinabove is restricted to the grant of the ad interim order, which is different from the consideration at the time of passing the final relief and, therefore, the observations shall not have any persuasive impact at the time of deciding the Tribunal Application.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)