

PETITIONER:
DIRECTOR OF SCHOOL EDUCATION MADRAS AND OTHERS

Vs.

RESPONDENT:
O. KARUPPA THEVAN

DATE OF JUDGMENT 31/01/1994

BENCH:
SAWANT, P.B.
BENCH:
SAWANT, P.B.
SINGH N.P. (J)

CITATION:
1994 SCC Supl. (2) 666

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Leave granted. Heard both counsel.
2. The tribunal has erred in law in holding that the respondent employee ought to have been heard before transfer. No law requires an employee to be heard before his transfer when the authorities make the transfer for the exigencies of administration. However, the learned counsel for the respondent, contended that in view of the fact that respondent's children are studying in school, the transfer should not have been effected during mid-academic term. Although there is no such rule, we are of the view that in effecting transfer, the fact that the children of an employee are studying should be given due weight, if the exigencies of the service are not urgent. The learned counsel appearing for the appellant was unable to point out that there was such urgency in the present case that the employee could not have been accommodated till the end of the current academic year. We, therefore, while setting aside the impugned order of the Tribunal, direct that the appellant should not effect the transfer till the end of the current academic year. The appeal is allowed accordingly with no order as to costs.

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