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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1201/2002

New Delhi, this the 10th day of July, 2002

Hon'ble Sh. Govindan S.Tampi, Member (A)

Sh. C.V.Ranga Venkatesh
S/o Sh. C.N.V.Rao
Asstt., Building Section
Deptt. of Post
New Delhi - 11 0 001.
R/o 9188/4, Multani Dhandra
Paharganj
New Delhi - 110 055.

...Applicant

(By Adv. Sh. S.P.Chadha)

V E R S U S

1. Union of India : through
its Secretary
Deptt. of Post
Dak Bhawan, Sansad Marg
New Delhi - 110 001.
2. DDG (Estates)
Ministry of Communications
Deptt. of Posts
Dak Bhawan, Sansad Marg
New Delhi - 110 001.

...Respondents

(By Adv. Ms. Rinchen Ongmu)

O R D E R (ORAL)

By Sh. Govindan S.Tampi,

Order No. 8-1/2002-Bldg. dated 12-4-2002
passed by the Deptt. of Post (Estates Division),
relieving the applicant from the Estates Division with
directions to report to Administration Branch is under
challenge in this OA.

2. During the oral submissions, Sh.
S.P.Chadha and Ms. Rinchen Ongmu, ld. counsel,
represented the applicant and the respondents
respectively.

3. The applicant, Sh. C.V.Ranga Venkatesh
has been working as Asstt. in the Building Section,
Deptt. of Post in Delhi. According to him, he has an
unblemished record of service and excellent performance.

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The applicant had, on 22-2-2002, issued a legal notice to his superiors, calling upon them to redress his grievances, which was responded by an Office Memorandum dated 1-3-2002, proposing disciplinary proceedings against him. His reply on 8-3-2002 indicated that he had no malafide intention but his communication was aimed at improving the performance of the Deptt. for providing better postal service. On 12-4-2002, the impugned order had been issued, relieving him of duties in the Estates Division, which infact was surrendering his services. Principles of natural justice were violated by the respondents while issuing the above order. This is clearly malafide and was only meant to humiliate him for acting for the common good of the organisation.

4. The grounds raised by the applicant in the OA are :-

(a) the transfer order was the out come of bias and pre-judice against the applicant ;

(b) the applicant's services had been surrendered without following the principles of natural justice ;

(c) the transfer order was governed by extraneous considerations and not based on sound administrative principles ;

(d) the applicant has been penalised for expressing his opinions freely ;

(e) in OA No.1777/98 filed by the applicant, the Tribunal had upheld the right of the applicant to

express his opinions freely ;

(f) the transfer was against the guidelines of the Deptt. communicated vide letter No. 30-7/2000-Admn dated 24-8-2000 and

(g) none can be penalised for expressing opinions freely and correctly.

5. In the above circumstances, the applicant pleads that the OA be allowed and the impugned order set aside. The above was forcefully reiterated during the oral submissions.

6. In the reply, filed on behalf of the respondents and reiterated during the oral submissions by Ms. Rinchen Ongmu, the allegations made by the applicant are rebutted. While the applicant was posted in the Building Section, he had expressed his opinion about changes to be made in the Estate Rules which were not accepted by the respondents. Annoyed at this, the applicant had sent legal notice on 22-2-2002 to the Secretary and DDG (Estates) attempting to pressurise them to accept his views. As his action amounted to insubordination, ^h memorandum was issued to him, calling for his explanation. ^h His reply showed that the applicant was not in a mood to correct himself but was proceeding in a dis-respectful manner. It was also found that the applicant was not taking full interest in work. Accordingly, therefore, he was transferred out of Estates Division and directed to report to the Administration for further posting. This was done by the Organisation in the interest of Administration. The applicant's claim that the transfer order was infact a surrender order, in the garb of transfer and was meant to stifle his views and opinions, was incorrect. The Administration had every

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authority to transfer any individual from one branch to the other and no violation of Deptt.'s instructions contained in OM No.30-7/2000/Admn dated 24-8-2000, had been committed. OA, therefore, deserves to be dismissed, plead the respondents.

7. I have carefully considered the matter. This is a case of a transfer of an Asstt. from one Branch in the office of the Directorate of Post to another Branch. This is not a case of any transfer to a different or a distant station. The Administration had after considering the suitability of the applicant had taken a decision to shifting from the Estate Division to the General Administration Branch. This is well within the domain of the Administration and the Tribunal would not like to interfere in a matter like this, unless the same is found to be totally malafide and against the instructions issued by the Administration from time to time. ^{which is not the case here} No Govt. servant has any right to claim that he would work only in a particular seat of his choice, as the applicant has sought to do by instituting this OA. Permitting such ^{an} ^{plz} ₂ OAs would be interfering with the normal course of the Administration. The Tribunal would not like to tread on the turf of the Administration, as it has been shown that the transfer order has been issued in the correct exercise of its powers and in good faith.

8. The applicant, in my view, has failed to make out any case for my intervention. The OA, therefore, fails and is accordingly dismissed. No costs.

9. The operation portion of this order was pronounced in the Court at the conclusion of the oral submissions.

(GOVINDAN S. TAMPI)
MEMBER (A)

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