

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

**Original Application No. 332/00527/2019
This the 17th day of October, 2019**

Hon'ble Ms. Jasmine Ahmed, Member - I

Rajeev Kumar Verma, aged about 51 years, S/o late Magan Behari Verma, r/o 538 Ka/836 Triveni Nagar, Lucknow.

..... Applicant
By Advocate: Sri S.K. Chaudhary, Sri B.B. Tripathi & Sri Amit Verma.

VERSUS

1. Union of India, through the Secretary, Ministry of Communication Department of Posts, Government of India, Dak Bhawan, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Assistant Postmaster General (Recruitment/Staff), O/o Chief Postmaster General, U.P. Circle, Lucknow.

..... Respondents

By Advocate: Sri Rajesh Katiyar

ORDER (ORAL)

No D.B is available today.

2. Sri Amit Verma, Advocate is present for the applicant. Sri Rajesh Katiyar, is present for the respondents after getting advance notice.
3. It is the contention of the learned counsel for the applicant that the applicant has been transferred vide order dated 28.06.2019 from SB Section, CO Lucknow to RO, Varanasi in the interest of service. He further contended that the applicant has been singled out for transfer though there are longest stayee than him at the station. It is also contended by the learned counsel for the applicant that the transfer order has been passed in contradiction of their own guidelines. Hence, the transfer order cannot be sustained. He states that the mother of the applicant is 81 years old and drew my attention to page 26-27 (Annexure A-4) and states that in Para 3

(i) and (ii) of O.M. dated 08.10.2018, there is a provision for exemption from routine transfer and as his mother is 81 years old and suffering from hearing disorder, hence, his transfer order shall not be given effect to.

4. Learned counsel for the applicant has placed reliance of his arguments on the decision of this Tribunal in O.A No. 756 & 757 of 1991 decided on 20.02.1992 in the case of **Jayashree L. Narayanan and Another Vs UoI and Another, (1993) 23 Administrative Tribunal Cases 836**. Applicant's counsel states that in this judgement it has been categorically decided that even if employee is junior most he should not be transferred out keeping aside the senior most persons at the station.

5. Learned counsel for the applicant states that the applicant has given a detailed representation dated 18.07.2019 followed by a reminder dated 18.09.2019 detailing all his grievances but no decision has yet been taken by the respondents.

6. Per contra, counsel for the respondents states that the applicant is working at the same station for the last 28 years. Hence, there is no arbitrariness and illegality on the part of the respondents in transferring the applicant. He also states that other persons, who have been transferred vide transfer order dated 28.06.2019, have joined their new place of posting except the applicant herein. Counsel for the applicant vehemently argues that he is only person to take care of his 81 years old mother and completely guarded by the O.M. dated 08.10.2018.

7. Heard the counsel for the parties and perused the records as available today.

8. It is not disputed by either side that the applicant is continuing on the present place for the last 28 years and has been transferred from Lucknow to Varanasi. Accordingly, it cannot be said that at the very earlier stage the applicant has been transferred and step motherly treatment has been adopted in his case. The transfer order is of 28.06.2019 and the applicant as has stated by the counsel for the applicant is on medical leave, applicant is directed to go and join at new place of posting immediately and the respondents are directed to decide the pending representation of the applicant by taking into consideration each plea taken by the applicant, by passing a reasoned and speaking order within one month from the date of receipt of certified copy of this order.

9. With the above observation and direction, the O.A stands disposed of. It is made clear that nothing has been commented on the merit of the case. There shall be no order as to costs.

(Jasmine Ahmed)
Member (J)

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