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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1301 of 2000

New Delhi, this 10th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

A.K.Garg  
S/o Shri Kailash Chand  
R/o New Sainik Colony  
Shraddhpuri, Kankarkhera  
Meerut Cantt.  
UP

... Applicant

(By Advocate:Shri N.S. Verma)

versus

1. Union of India, through  
Post Master General  
(Dehradun Region)  
Dehradun
2. The Senior Superintendent of Post Offices  
Meerut Division  
Meerut Cantt.
3. Shri S.S.Tyagi  
Sub Post Master  
Gandhi Ashram Post Office  
Meerut
4. Shri Raj Kumar Tomar  
Postal Assistant  
Victoria Park Post Office  
Meerut

... Respondents

(By Advocate: Shri Rajinder Nischal)

ORDER(oral)

By filing this OA, the applicant has sought direction to quash and set aside the impugned order dated 11.6.1999 (Annexure A.3) and also sought direction to restrain respondents 1&2 from making any change in the original transfer order dated 14.5.1999.

2. The brief facts of the case are that the applicant has been working as Postal Assistant



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(PA, for short) in the Postal Department in Meerut Division, Meerut. He was transferred vide memo dated 14.5.1999 from Beghum Bagh SO to Victoria Park SO. He joined his duties in Victoria Park SO, Meerut on 20.5.1999. Thereafter the P.M.G., Dehradun (respondent no.1) had intervened in the matter and issued a letter dated 10.6.1999 to the Senior Superintendent of Post Offices (SSP, for short), Meerut. In pursuance of that letter, the SSP Meerut issued orders vide memo dated 11.6.1999 modifying the earlier transfer order by transferring the applicant from Victoria Park, Meerut to Meerut HO-I. It is alleged by the applicant that modification in the transfer order was not made in the public interest or in the administrative exigency, but by way of punishment and no opportunity of being heard has been afforded to him. Aggrieved by this, he has filed this OA.

3. The respondents in their reply have denied that the applicant was transferred under the pressure of the unions. They have stated that the transfer was made in public interest and exigency of work. The P.M.G., Dehradun issued instructions on the basis of which the orders of transfer of the applicant were modified. The transfer of the applicant has been made within a few kilometer of the same city. In view of this,

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the applicant is not entitled to any relief and the OA is liable to be dismissed.

4. Heard both the learned counsel for rival contesting parties and perused the record.

5. During the course of arguments, the learned counsel for the applicant cited a catena of judgements in support of his claim; out of which, 1975(1) SLR Kulwant Kaur Vs District Education Officer (Pb.&Hry)307; 1975(2)SLR Maloom Lawrence Vs UOI(S.C.)255; 1979(1)SLR N.K.Prasad Vs State of Bihar(Patna)651 are not at all relevant as the issues involved in these cases are different from the present case. As regards 1985(2)SLR Achyutananda Behera Vs State of Orissa(Orissa)17 and 1991(1)SLR. 220 Tripta Malhotra Vs State of Punjab(Pb.&Hry.), these judgements are also not applicable to the present case.

6. It is seen from the record that the applicant has been transferred from one office to another office in the same station although he has the All India Transfer Liability. It is settled law by the Hon'ble Supreme Court that courts cannot interfere in the matter of transfer, except on the ground that the same is malafide or violative of the statutory guidelines. In this case, there is no violation

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of the statutory guidelines. The applicant has also failed to establish malafide against the respondents in his transfer. In view of the aforesaid facts, there is no ground to interfere with the impugned transfer orders.

7. For the aforesaid reasons, the OA is devoid of merit and the same is dismissed accordingly. No order as to costs.

  
(M. P. Singh)  
Member(A)

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