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Central Administrative Tribunal, Principal Bench

Original Application No.945 of 2000

New Delhi, this the 5th day of February, 2001

Hon'ble Mr. Kuldip Singh, Member (J)

H.M. Gaur S/o Shri Lalit Mohan Gaur
Postal Asstt. (S.B.C.O.) Aligarh
Residential Address

8/10, Mitra Nagar, Aligarh

- Applicant

(By Advocate - Shri D.P. Sharma)

Versus

1. Union of India
through Secretary
Ministry of Communication
Department of Posts, New Delhi

2. The Postmaster General
Agra Region Agra

3. The Sr. Postmaster
Aligarh

- Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA, applicant has challenged his transfer from Aligarh to Buland Shahar. He states that his transfer is against the transfer policy of the respondents. Applicant has alleged that previously also, he had been illegally and malafidely transferred from Mathura to Aligarh in the mid of academic session and before his tenure had completed, he has again been transferred from Aligarh to Buland Shahar. He has alleged that this transfer order has been issued without any rhyme and reason. Applicant has stated that since his wife is posted at Mathura, therefore, according to the instructions of the Government, he should have been considered for his posting at Mathura. Applicant, therefore, prays that

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the impugned order transferring him from Aligarh to Buland Shahar may be quashed.

2. The OA is being contested by respondents. They have pleaded that since the applicant has already joined at Buland Shahar, his new place of posting as per the orders issued by the department, this OA has become infructuous. Besides, they have also pleaded that applicant has been transferred in the normal zone of transfer and he cannot be given posting at his choice.

3. I have heard learned counsel for the parties and gone through the records.

4. From the perusal of the entire OA and documents on record, I find that the applicant has nowhere alleged that he had been transferred with malafide intention or by perpetuating malice towards him by any officer. Besides, he has already joined at his new place of posting at Buland Shahar, so in a way, it seems that this OA has become infructuous and at this stage it would not be advisable for the Tribunal to quash the order of transfer. Therefore, I am of the opinion that this OA cannot succeed and is liable to be dismissed. I order accordingly.

5. However, while dismissing the OA, I may clarify that this order will not be an impediment for the department to consider the representation of the

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applicant for posting him somewhere near Mathura since his parents, wife and children are staying there at Mathura. No costs.


(Kuldip Singh)
Member(J)

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