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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. 1174/88

Date of decision 22.11.88.

Shri P.R. Kohli

.....Petitioner

Vs.

U.O.I. & Others

.....Respondents.

For the petitioner

.....Applicant in person

For the respondents

.....Shri A.K. Behera, Counsel
for Shri K.C. Mittal

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN (J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? *Yes*
2. To be referred to the Reporter or not? *No*

(The judgement of the Bench delivered by Hon'ble Mr. P. Srinivasan, Administrative Member)

In this application, the applicant who is working as Assistant Superintendent in the Postal Department of the RMS 'D' Division at Delhi is aggrieved with his transfer from Delhi to Ambala by the two impugned orders dated 8.6.88 and 13.6.1988.

2. The applicant who was present in person submits that though he suffered a paralytic attack in 1984 and for some time thereafter could not undertake tours expected of him

P. Srinivasan

as an Assistant Superintendent without the assistance of a peon, has recovered from the illness now and is in a fit condition to undertake such tours without such assistance. He submits that he has been transferred only because of an application made by him on 22.7.87 to the Director, Postal Services, Ambala requesting that he be given a peon to accompany him on tour because of his physical condition.

3. Shri Behera, learned counsel for the respondents submits that the transfer was made for administrative reasons because the applicant was unable to perform his duties as an Assistant Superintendent which involved considerable touring. The respondents had nothing against the applicant otherwise. Since the applicant had not alleged any malafides against the respondents and since the transfer was in the interests of administration, Shri Behera submitted, this Tribunal should not interfere with the order of transfer.

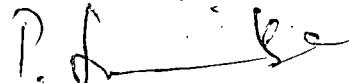
4. The applicant is due to retire on 31.8.1989 and has, therefore, only 9 months of service left. He assured us that he has over-come his physical disability and will be able to undertake tours of inspection without the assistance of a Peon. Considering that the only reason adduced for transferring the applicant was his physical condition which stood in the way of undertaking tours and taking into account his assurance given in writing to us today and taken on record that he will be able to undertake the tours of inspection to the extent required of him, we feel that he should not be disturbed at this stage. He is a widower whose wife died recently and

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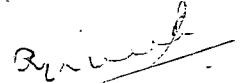
at this stage in life he should not be disturbed by a transfer.

5. We, therefore, quash the impugned orders dated 8.6.88 and 13.6.88 at Annexures A-I and A-II of the application and direct the respondents to continue the applicant in the post which he was holding prior to the issue of the said orders.

6. The application is disposed of on the above lines but in the circumstances of the case, parties to bear their own costs.



(P. SRINIVASAN)
MEMBER (AM)



(P.K. KARTHA)
VICE CHAIRMAN(J)