

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2727 OF 2004

New Delhi, this the 9th day of January, 2006

**HON'BLE SHRI JUSTICE M.A. KHAN, VICE CHAIRMAN (J)
HON'BLE SHRI N.D. DAYAL, MEMBER (A)**

Mahipal Singh Sishodia,
R/o SM-12, Shastri Nagar,
Ghaziabad.

.....Applicant.

(By Advocate : Shri K.K. Sharma)

VERSUS

1. Union of India - through
Director General of Posts,
Dak Bhavan, Parliament Street,
New Delhi-110001.
2. Chief Post Master General,
U.P. Circle, LUCKNOW.
3. Post Master General,
Bareilly Region,
Bareilly (U.P..
4. Senior Superintendent of Post Office
Ghaziabad Division,
Ghaziabad.

.....Respondents

(By Advocate : Shri S.M. Arif)

ORDER (ORAL)

JUSTICE M.A. KHAN :-

Learned counsel heard.

2. Applicant is assailing the order dated 27.7.2004 whereby he, along with eight others, was transferred from Ghaziabad Division to Moradabad Division of the respondents – Postal Department. It has been submitted on behalf of the applicant that six of the persons under transferred by same common order had challenged this very order in OA No.2098/2004, a copy of which is placed on record, which was allowed by this Tribunal vide order dated 3.8.2005. It is also submitted that since the applicant is a person

Li on 27.7.2004


similarly situated and challenge to the transfer order by him is also on grounds similar to those which were pleaded by six applicants in OA No.2098/2004, the present OA may also be allowed in terms of the earlier order of this Tribunal passed in OA No.2098/2004.

3. Learned counsel of the respondents has not disputed that the facts and the grounds pleaded in the present case and those pleaded in OA No.2098/2004 were identical. As such, this OA is covered by earlier order of this Tribunal dated 3.8.2005. The judicial propriety demands that the present OA should also be decided in terms of the said order.

4. In OA 2098/2004, the Tribunal held that inter-divisional transfers were not permissible. Accordingly, the transfer made was in violation of D.G. of Posts' letter dated 23.8.1990 and also against the ratio laid down in the case of *D.N. Parmar & Ors. Vs. U.O.I.*, 1996 (1) ATJ CAT 200. So the transfer order was quashed.

5. We are in respectful agreement with the above order. Accordingly, the present O.A. is allowed and the impugned order of transfer dated 27.7.2004 is set aside qua the applicant leaving the parties to bear their own costs.


(N.D. DAYAL)
MEMBER (A)


(M.A. KHAN)
VICE CHAIRMAN (J)

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