

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1931/93

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New Delhi this the 24th Day of December, 1993.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Karan Syal,
S/o Sh. B.S. Syal,
R/o E-271, Naraina Vihar,
New Delhi-28.

Petitioner

(By advocate Sh. R. Venkatramni, Sr.counsel with
Sh. K. Venkatraman,counsel)

versus

1. Union of India
through Director General/Secretary,
Ministry of Communications,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001.
2. Department of Posts, through
Asstt. Director General, Ministry of
Communications, Dak Bhawan,
Sansad Marg, New Delhi-110001.
3. Department of Posts, through
Post Master General, Rajkot Region,
Rajkot-360001.
4. Sh. R.S. Gupta, Post Master General,
Rajkot Region, Rajkot-360001.
5. Department of Posts, through
Asstt. Post Master General,
Office of the Post Master General,
Rajkot Region, Rajkot-360001.

(By advocate Sh. P.P. Khurana)

ORDER

(delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A))

The petitioner is aggrieved by the impugned order dated 27.8.1993 issued by the Director-General/Secretary, Ministry of Communication transferring him from Rajkot to Visakhapatnam.

The material averments made in the O.A. are these. The applicant was appointed on 12.7.1978 in the Indian

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Postal Service and was eventually promoted to Junior Administrative Grade as Director, Postal Service. He joined as such in the Rajkot Division in November, 1991. Respondent No.4 Sh. R.S. Gupta joined as Post Master General Rajkot in the month of September, 1992. He was prejudiced against the applicant as on a number of occasions applicant had written letters to the Sr. Authorities regarding misuse of vehicle, disruption of office work by PMG, not making available the relevant files at proper time, non-payment of salary and harassment of his wife who was also the Vice-President of Postal Ladies Organisation. According to him his transfer order is based on extraneous consideration and is punitive in nature. He has also impugned the telegram dated 3.9.1993 by which the respondents asked him to proceed for training in I.I.PA, New Delhi from 25.09.1993.

On 21.9.1993, an interim order was passed by this Tribunal directing the respondents to maintain status quo. This order has been extended from time to time.

The following averments have been made in the counter filed by the respondents. Sh. Karan Syal belongs to Indian Postal Service having all India transfer liability. He had made serious allegations against his superior officer, Sh. R.S. Gupta, Post Master General, Rajkot. In turn Sh. R.S. Gupta had made a number of complaints against the applicant. A high level preliminary enquiry was conducted by the Deputy Director General (Vigilance). A preliminary enquiry indicated that Sh. Karan Syal's behaviour towards his superiors and subordinates was not proper and the atmosphere in the regional office at Rajkot was found to be so bad that it was not in public interest for both of them to work in the same station.

Sh. R.S. Gupta was posted to Rajkot as PMG from 27.8.1992 whereas Sh. Karan Syal was posted to Rajkot in November, 1991. The respondents could have even suspended the applicant so as to keep him away from his seat while the matter was being enquired into. However, it was decided that the applicant be transferred to another place in public interest. They have denied that the transfer order is punitive or is based on extraneous consideration and malafidies. They have also stated that no representation has been received from the applicant against his transfer and he has approached the Tribunal prematurely.

We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the applicant has relied on a number of judgements to press the point that the transfer order based on malafidies or extraneous consideration or being punitive in nature is liable to be quashed. It is an admitted fact that the decision for transfer was based on the enquiry report of Deputy Director General(Vigilance) who had reported that with the conflict between the two senior officers, the Govt. work in Rajkot circle was suffering. The instances mentioned by the applicant himself in the O.A. show that relations between the Director Postal Service and the Post Master General were not amiable. If the authorities decided to transfer both of them out of this circle and if in the first instance the orders were issued for transfer of Director Postal Service, it cannot be said that such an order was not in public interest. We, therefore, hold that the applicant has failed to prove that his transfer orders were issued either due to extraneous considerations or due to

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malafidies. Also it cannot be regarded as punitive in nature. The application, therefore, fails and is hereby dismissed. No costs.

B.N. Dhondiyal
(B.N. Dhondiyal)
Member(A)

S.K. Dhaon
(S.K. Dhaon)
Vice-Chairman

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