

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 113 of 1998

Allahabad this the 01st day of March, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Munna Singh, Son of Saheb Singh, resident of Nagla Padi Nai Abadi, Post Dayalbagh, district Agra at present posted as Postman, Civil Lines, Agra-2.

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. Union of India through the Secretary, Ministry of Post & Telegraph, New Delhi.
2. Senior Superintendent of Post offices, Agra Division, Agra.
3. Sub Post Master, Civil Lines, Agra.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Munna Singh while working as Postman in the Post and Telegraph Department, Central Sub Division, Agra was transferred vide impugned transfer order dated 05.01.1998 to Pushp Bihar, Transport Nagar, Sector VI and has come up for redressal against this transfer order.

2. As per applicant's case, this transfer is out of malice and the order itself mentions that the applicant has been transferred on the ground of misconduct and therefore, punitive in nature and not maintainable under rules in this regard and deserves to be quashed.

3. The respondents have also not disputed the fact that this impugned transfer order is outcome of misconduct on the part of the applicant by way of misbehaviour with his co-workers for which an inquiry was conducted and he was found liable for the same.

4. On point^{ed} query from the Bench, a reply came that the transfer is not among any modes of punishment and, therefore, this transfer order cannot be passed because of ^{alleged} ~~co-related with~~ the objectionable conduct of the applicant with his brother colleague and the public of his circle. It is also not in dispute that the new area to which the applicant has been transferred situates at a distance of about 40 kms. from the unit at which he was working before this transfer order.

5. With the above facts in view, I find myself unable to uphold the impugned transfer order as the same has been passed on administrative ground but with the mention of misconduct on the part of the applicant. However, it was/is

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open for the respondents to punish the applicant appropriately if the charge of misconduct is proved against him after due inquiry under the rules.

6. For the above, the O.A. is allowed and dated 05.1.1998 the impugned order is quashed. No order as to costs.

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Member (J)

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