

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 8th day of March, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION No.236 OF 2001

Uma Shankar,
son of Sri Bajrangi,
r/o Village Afazalpur,
Post Jangipur,
District Ghazipur.

. . . . Applicant

(By Advocate Sri Anand Kumar)

Versus

1. Union of India through the Post Master General,
Allahabad Region, Allahabad.
2. Sri Kariman Singh,
Superintendent of Post Offices,
Ghazipur Division,
Ghazipur.
3. The Sub-Divisional Inspector (Posts),
Central Sub-Division, Ghazipur.
4. Sri Komal Singh Yadav,
s/o Sri Ganga Singh Yadav,
working as E.D.D.A./M.C.,
Arakhpur, Account Office Jangipur,
Head Post Office, Ghazipur.

. . . . Respondents

(By Advocate:

O R D E R (ORAL)

(By Hon'ble Mr.S. Dayal, AM)

This Original Application has been filed by
the applicant for cancellation of orders dated 1.2.2001
and 28.2.2001 passed by the Superintendent of Post Offices
and the Sub Divisional Inspector, Ghazipur respectively.

Contd...2

By the said orders, the officers have reversed the earlier order dated 6.6.2000, by which the applicant, who was EDDA/MC at Fateh Ullahpur, was allowed to be posted as EDDA/MC Arakhpur and the Respondent No.4, who was working as EDDA/MC Arakhpur was allowed to be posted as EDDA/MC, Sohilapur. The place of the applicant at Fateh Ullahpur was taken by EDDA/MC, Sohilapur.

2. The transfer has been challenged on the ground that it has been done at the behest of one Sri Om Prakash Singh, who is a Member of Parliament from Ghazipur constituency.

3. The learned counsel for the applicant has relied upon the judgment of the Hon'ble High Court in the case of Harish Chandra Tewari Vs. Upar Shiksha Nideshak, Uttaranchal, UP Lucknow (1999) (1 UP LBC Sum)4. It has been laid down in this judgment that if the transfer is purely on mala fide and under political pressure and there is absolutely no application of mind by the authority competent to pass the order, such orders should be quashed.

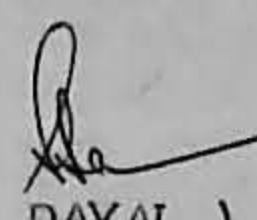
4. I find from the facts of the case that the Extra Departmental Mail Carriers who are not on transferable posts were allowed by the Sub-Divisional Inspector to be transferred to different places on their requests. The Superintendent of Post Offices has by his order required the cancellation and assumption of charge by the Extra Departmental Mail Carrier at their earlier places. The learned counsel for the applicant has not been able to show any provision regarding transfer of Extra Departmental Mail Carriers.

3.

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5. I, therefore, find no merit and dismiss
the application in ~~interim~~^{limine}.

No order as to costs.


(S. DAYAL)
MEMBER (A)

Nath/