

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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O.A.No. 589 of 2004

Dated: This the 01st day of June, 2004

HON'BLE MRS. MEERA CHHIBBER, J.M.

Indra Pal Singh Yadav, aged about 52 years, son of Late Shri Sita Ram, Yadav, resident of E-6 Gali No.1, Guru Nanakpura, Modi Nagar, Ghaziabad, presently posted as Assistant post Master, Hapur, District Ghaziabad.

..Applicant.

By Advocate: S/Shri ASingh/CB Yadav

Versus

1. Union of India, through the Secretary Ministry Department of Telecommunication, New Delhi.
2. The Director General, Postal, New Delhi.
3. The Post Master General, Bareilly Division, Bareilly.
4. Senior Superintendent of Post Offices, Ghaziabad Division, Ghaziabad Division, Ghaziabad.

...Respondents.

By Advocate : Shri R.C.Joshi

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

By this O.A. applicant has challenged the order dated 19-05-2004 whereby applicant alongwith other persons have been transferred to someother places on administrative ground as they were found involved in fraud case(page 19).

2. It is submitted by the applicant's counsel that applicant has been served with a charge sheet dated 30.1.2004 by making serious allegations against the applicant but till date the enquiry has not been started and without giving opportunity to the applicant or

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completing <sup>the</sup> enquiry, they have attached stigma to the applicant by passing the impugned order. He has further submitted that there is no justification in transferring the applicant at this stage from one division to the other and in case respondents wanted to holding <sup>fair</sup> enquiry, they could have retained him at the headquarters in Ghaziabad instead of posting him to Muradabad division. He has also submitted that at this juncture, if applicant is transferred from one division to the other, it would cause serious prejudice to the applicant inasmuch as <sup>he</sup> ~~there~~ would not be <sup>able</sup> ~~applicant~~ to defend himself properly in the enquiry. He has, thus, prayed that the impugned order may be quashed and respondents be directed to pay full salary and emoluments as admissible and payable to the post occupied by the applicant at Ghaziabad.

3. I have heard counsel for the applicant and perused the pleadings as well. Perusal of the order dated 19.5.2004 shows that applicant was presently posted as Assistant Post Master, Hapur whereas he has been transferred <sup>to</sup> ~~from~~ Moradabad Division. It goes without saying that in transfer matters ~~this~~ <sup>scope of</sup> ~~hope~~ to interference is very limited by the Courts as Hon'ble Supreme Court has repeatedly held that Courts should not interfere in the matters of transfer <sup>likely</sup> ~~likely~~ and it can be interfered only if either the transfer <sup>order</sup> ~~rather~~ is contrary to some statutory rules or is issued due to mala fide. In the instant case none of the grounds, as mentioned above are present. Even otherwise it is seen that applicant has not even given a representation to the authorities concerned against <sup>the</sup> transfer order nor has <sup>he</sup> set up his grievance as stated in the O.A.. It has also been held by the Hon'ble Supreme Court that whenever a person has been transferred he should give representation to the authorities <sup>to</sup>



concerned, setting out the difficulties which he is likely to face so that authorities concerned may consider the same and pass appropriate order thereon in accordance with law. In the instant case since applicant has not given any representation <sup>he</sup> with the authorities, <sup>he</sup> he is given liberty to give a representation to the Competent Authority within one week from the date of receipt of a copy of this order, setting out the difficulties, which <sup>he</sup> is likely to face, in case <sup>he</sup> is transferred out. In case he make such a representation, the authorities shall decide the same within 4 weeks thereafter by passing a reasoned and speaking order.

4. Counsel for the applicant <sup>has</sup> made statement at bar <sup>is</sup> that applicant still continuing at Hapur and has not yet been relieved <sup>from</sup> on this post. If this statement is correct, respondents shall maintain status quo as on today till the representation of the applicant is decided. It is made clear that this would not entitle the applicant to enjoy the stay without having given the representation within the stipulated period. In case no representation is given by the applicant within stipulated period, he would have to comply with the orders already passed by the respondents.

5. With the above direction this O.A. is disposed off at the admission stage itself with no order as to costs.



Member-J

Brijesh/-