

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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D.A. No. 646 of 2004

Dated: This the 30th day of June, 2004

HON'BLE MRS. MEERA CHHIBBER, JM

Brij Bhan S/o Shri Mathura Prasad  
aged about 47 years, Resident of Village  
Mahewa Khurd, Post Nahuai, District Allahabad.  
..Applicant.

By Advocate - Shri A Srivastava

Versus

1. Union of India Secretary, Ministry of Post & Telecom, Department of Posts, New Delhi.
2. Post Master General, Allahabad Region, Allahabad.
3. Senior Superintendent of Post Offices, Allahabad.
4. Shri R.S.Pandey, Presently posted as Sub Post Master, Bharatganj, Sub Division Meja, District Allahabad.
5. Director, Postal Services, Allahabad.

..Respondents.

By Advocate - Shri Saumitra Singh

ORDER

By Hon'ble Mrs. Meera Chhibber, JM

By this D.A. applicant has challenged the order dated 15.06.2004 whereby he has been transferred from Meja SO to Bharatganj as SPM( page 14 at 16 serial number 112).

2. Grievance of the applicant in this case is that on 10.6.2003 applicant was posted at Meja on completion of his tenure on his own request (pg.18). He was, however, relieved from his office from Meja Road only on 14.10.03 for joining at Meja. Therefore, he has hardly completed



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8 or 9 months at Meja and now he has once again been transferred to a distant place and another person namely Shri R.S. Pandey has been transferred in this place on his own request and cost.

3. It is submitted by applicant that on the basis of complaint lodged by the public respondent no.4 was transferred to Ugrasenpur, which was challenged by the said person in O.A.No. 930 of 2001. However, Tribunal had also directed him to join at his place of transfer yet by violating the orders of Tribunal respondent no.4 never joined at Ugrasenpur and he was continued on leave in collusion with respondent no.3. Respondent no.3 was due to retire on 30.06.2004, just before his retirement, he has adjusted respondent no.4 in place of applicant due to his vested rights. He has, thus, prayed that the impugned order may be quashed and set aside. It is further submitted by applicant that he has also given the representation to the Director, Postal Services, Allahabad against his transfer but the same has not been decided till date.

4. Counsel for the respondents submitted that this is a normal transfer and Tribunal should not interfere in transfer matters unless it is shown to be either mala fide or contrary to the statutory rules as held by Hon'ble Supreme Court of India. He was seeking time to file reply to the O.A.

5. It goes without saying that the scope of interference by Tribunal in the case of transfer is very limited as held by Hon'ble Supreme Court but it has also been held by Hon'ble Supreme Court that whenever a representation is given to the authorities against transfer or any other grievance by the employee, the same shall be decided expeditiously by

by authorities by passing reasoned order so that the person concerned may be satisfied at that stage itself, without rushing to the Court of law. In this case, it is stated by the applicant that he has already given his representation to the Director, which has not been decided so far and counsel for the applicant has also stated at bar that applicant has not yet been relieved. However, in memo of parties he has arrayed only P.M.G., Allahabad Region, Allahabad and the Director, Postal Service has not been arrayed as a respondent. Counsel for the applicant was given liberty to add the Director, Postal Services as one of the respondents, which is done by him in the Court itself.

6. Since applicant has levelled certain allegations against respondent no.3 and has submitted that he was transferred to Meja on completion of his tenure only on 10.6.2003 and his transfer now has been done due to vested interest, it would be better if the next higher authority looks into the matter. I, therefore, feel the ends of justice would be met if this case is disposed off at the admission stage itself without going into the merits of the case by directing the respondent no.5 i.e. the Director, Postal Services to treat the O.A. itself as a representation and to decide the same by passing a reasoned order within a period of 3 weeks from the date of receipt of a copy of the order under intimation to the applicant. In case applicant is still holding charge as stated by the counsel for the applicant, respondents shall maintain status quo as on today till the disposal of this case.

7. The O.A. is accordingly disposed off with no order as to costs.



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