

(8)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of Dec., 2005.

QUORUM : HON. MR. K.B.S. RAJAN, J.M.

HON. MR. A.K. SINGH, A.M.

O.A. No. 988/05

Vinod Kumar Srivastava, aged about 59 years, son of Late Dev Prakash Srivastava, at present residing at Ganpat Sahai Road (Near Basti Sadar Block), Post - Gandhinagar, District, Basti, presently employed as Sub Post Master, Indian Technical Institute, Katra, District Basti.

.....Applicant.

Counsel for applicant : Sri S. K. Om.

Versus

1. Union of India through Secretary, Post & Telegraph, Ministry of Communication, Govt. of India, New Delhi.
2. Superintendent of Post Office, Basti Division, District Basti.
3. Shri Abdul Aziz, Son of not known, resident of Rahmatganj, P.O. Gandhinagar, District Basti.

.....Respondents.

Counsel for Respondents : Sri Saurabh Srivastava and Sri P. Srivastava.

O R D E R

By Hon. Mr. K.B.S. Rajan, J.M.

The applicant, whose date of superannuation is 31.1.2006, was transferred by the impugned order dated 19.8.2005 from the post of Assistant Post Master, ITI, Basti to function as Assistant Post Master, Basti Head Office. The applicant has challenged the aforesaid transfer as according to him, such a transfer would unnecessarily create disturbances in respect of processing his papers for terminal benefits in addition to certain other personal inconvenience. Taking into account the

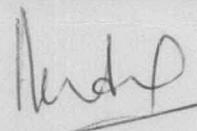
aforesaid submissions, interim order was passed on 23.8.2005 and the same is continuing.

2. Both official respondents as well as the private respondent have filed their counters. So far as the objection of the respondents is concerned, the same is revolving round a rotational transfer policy issued by the Department of Post vide order dated 11.4.2001. Prima facie this transfer guidelines apply to inter-station transfers and not intra-station transfers. Even if it is taken as applicable for intra-station transfers, a rigid following of the same will not be appropriate as some cushion is required to be afforded to meet with a case wherein the incumbent is to superannuate within a few months. As such, the contention of the respondents is not tenable.

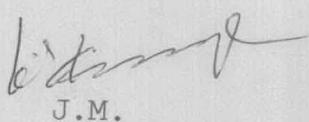
3. The private respondent (Abdul Aziz) has earlier moved an Original Application which was disposed of by order dated 19.8.2005. As a matter of fact that transfer also has been linked with the transfer of yet another individual and a review application is pending in that case. However, that review is independent of this O.A.

4. Considering the facts and circumstances of the case, especially the fact that the applicant is to superannuate very shortly, we are of the considered view that the applicant should be allowed to function as Assistant Post Master, ITI Basti till the date of his superannuation. Accordingly, the impugned order dated 19.8.2005, in so far as the same relates to the applicant herein, is hereby quashed and set aside. It is for the respondents to re-schedule the transfer in respect of any other individual whose transfer may be affected as a chain reaction to this order.

No order as to costs.



A.M.



J.M.