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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

O.A. No.454 of 1992.

Shri S.S. Mishra Applicant

Vs.

Union of India & Others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This application is directed against the transfer order transferring the applicant who was sub-post master in the Samthar Post Office in the District of Jhansi to Babina Cantt. Post Office in the ~~the~~^{to} same district. This transfer is a punishment transfer as is evident from the transfer order. Prior to his posting in Samthar Post Office he was posted in Moth Post Office from where he was transferred to Samthar Post Office. From the allegation of the applicant and ^{from} the records it appears that the Dy. Supdnt. of Post Offices made a surprise visit to Samthar Post Office on 14-5-1991. The Dy. Supdnt. of Post Office made a report. From the report of the Supdnt. of Post Offices placed on records (Annexure-A-3) it appears that he detected various lapses, omissions and commissions on the part of the applicant in discharging his duties as a Govt. servant. He found that he resides at Moth instead of in office premises and he usually attends the office late and he allows the keys with the E.D. Packer. He always leaves the office for making up and down trip to Moth because his wife is running a school at Moth. He was also found to be incompetent in completing and submitting his daily accounts on the same day. He was also found to become

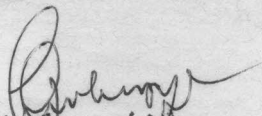
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a leader in the locality and he is interested in attending the office unusually late and leaving the office early in the evening. The Dy. Superintendent of Post Offices found that the applicant is not performing his duties towards the Government and he is not serving the public at large with due devotion, and that is why he submitted his report. A copy of the report was served on the applicant and his version was also taken. A notice was also served upon him asking as to why he should not be transferred to some other place after taking disciplinary proceedings.

2. The applicant submitted his reply to the same and denied the various facts stated in the said report. It appears that the authority concerned was not satisfied with the reply and that is why vide order dated 25-6-1991 he was transferred from Babina to Samthar. It is strange that the applicant has come before the Tribunal after 10 months of the said transfer order and has not been performing his duties for the last 10 months. It appears that the transfer order was passed in administrative exigency and ~~the~~ in the case of the applicant, the duty of the applicant as Sub-Post Master was not only towards the Government but also towards the public at large. The applicant was found lacking in his duties. His explanation was taken. Thereafter no action was taken except that he was shifted to another place to enable him to perform his duties with more devotion so that the public at large may not suffer. The applicant

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waited for 10 months and now he has come before the Tribunal against the said transfer order. It appears that there is no justification in interfering with the said transfer orders. It is not that nobody can be transferred for his lapses on his part. A person can be transferred even by way of penalty provided his explanation is taken. His explanation is taken and the authority concerned was not satisfied with the said explanations. Therefore, he has been rightly transferred. Now it is for the applicant to join his duty at the Post Office Babina and show good conduct and make an application to the authority concerned to transfer him to Samthar or Moth.


Member (A)


Vice-Chairman

Dated 21st April, 1992, Allahabad.

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