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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1733 of 1994

Dated: 19.12.94.

Lalji Ram Aged about 45 years  
At present working as Postal Assistant  
Head Post Office, Varanasi.

.... .... Applicant.

By Advocate Shri S.P.Sinha

Versus

Union of India & Ors. .... .... Respondents.

By Advocate Shri ----

C O R A M

Hon'ble Mr. T.L.Verma, Member-]

O R D E R

Heard Shri S.P.Sinha, learned counsel for  
the applicant on admission.

2. The subject matter of challenge in this  
D.A. is order dated 18.6.1994 whereby the applicant  
has been transferred from Varanasi to Ramgarh.

3. The applicant is a Postal Assistant and  
was posted in the Head Post Office, Varanasi under  
Gazetted Post Master known as Senior Post Master.  
By the impugned order, the applicant and 44 ors. have  
been transferred to different places noted against  
their names. ~~It is hereby directed that the concerned authority~~  
~~be directed to cancel the order of transfer.~~

This application has been filed for cancelling  
the said order of transfer.

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4. It is well settled that transfer in a transferable job is an exigency of service and may be ordered for administrative reasons. Generally, Courts do not interfere with orders transferring an Officer on a transferable job unless the same is against Rules or is actuated by malice.

5. I have perused the record and I find that the transfer of the applicant appears to be a transfer on completing tenure. No rule was brought to my notice prohibiting transfer of a Postal Assistant from one place to another. The learned counsel for the applicant in course of his argument stated that there were certain guidelines issued by Director General of Post Offices not to transfer Postal Assistants from one place to another if they can be rotated at the same place. These instructions are not statutory rules but only guidelines which may, for administrative reasons, ~~may~~ be ignored. There is absolutely no material to show malafide on the part of the Officer who passed the impugned transfer order except vague and general allegations. On the basis of the vague and general allegations contained in the application, no inference of malice can be drawn.

6. The fact that transfer order causes an hardship to ~~the~~ employee by itself may not be determinative of the order of transfer being malafide. The employee may in case of personal problem, file representation before the appropriate authority for cancelling the order staying or modifying the ~~same~~ ~~transfer~~ as the case may be.

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~~7~~ For the reasons stated above, I find no merit in this application and the same is dismissed in limine.

The learned counsel for the applicant stated that he has filed an appeal against his transfer and the same is pending before the appropriate authority. If that be so, it is expected that the competent authority will take an early decision on the appeal/representation filed by the applicant and inform him of the decision taken in that regard.

  
Member-J

/jw/