

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 675 OF 2000

ALLAHABAD, THIS THE 31~~8~~ DAY OF MARCH, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Raj Kumar,
s/o Late Manohar Lal,
aged about 47 years,
r/o S-341,
Hakikat Nagar,
Saharanpur.

.....Applicant

(By Advocate : Shri D. P. Gupta)

V E R S U S

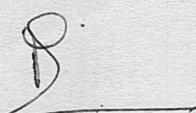
1. Post Master General,
Dehradun Region,
Dehradun.
2. Union of India through Secretary,
Ministry of Communication,
Govt. of India,
New Delhi.Respondents

(By Advocate : Shri R. Chaudhari)

O R D E R

By this O.A. applicant has sought the following
reliefs:-

"(a) In view of facts and grounds mentioned above, applicant respectfully prays before the Hon'ble Tribunal to be pleased to set aside the impugned transfer order dated 29.04.1999 and 4.4.2000 passed by respondent No.1 and respondents may be directed to allow him to complete his prescribed tenure of 4 years at Saharanpur and on completion of tenure, applicant may be transferred within the group of H.P.Os. as mentioned above.



.....2.

(b) Any other order or direction which this Tribunal may deem fit and proper under the circumstances of the present case may be also be passed. Cost of this application may be awarded to the applicant."

2. By the impugned order dated 04.04.2000, applicant has been transferred from Bijnaur to Pauri (Pg.12). Applicant's grievance is that he could not have been transferred before the tenure of 4 years (Pg.20) and could not have been sent to another region. He has also challenged his transfer on the ground that he is being transferred frequently from place to another eg. on 16.06.1998 he was transferred from Muzzaffar Nagar to Saharanpur. Within 10 months he was transferred from Saharanpur to Bijnaur. On his representation the order was kept in abeyance and now he has been transferred from Saharanpur to Pauri. Counsel for the applicant submitted that since no stay was granted, applicant joined at Pauri but he gave another representation on 08.04.2000 (Pg.18) which has been rejected vide letter dated 25.04.2000 (Pg.13), therefore, he has to file this O.A. Atleast he should have been kept within the region at Bijnaur itself where he was initially transferred as his children are studying in B.Com part II and he has health problems.

3. Respondents have explained in the Counter that applicant was working at Saharanpur as PA (SBCO) since 17.07.1998 but since he was ^{the} senior most BCR official of SBCO, he was promoted and posted against the norm based LSG post of Supervisor Bijnaur vide order dated 29.04.1999 Shri R.K. Ram who was transferred to Allahabad Region (Pg.11) but since applicant



....

represented his transfer was kept in abeyance for 6 months on compassionate ground in 1999. Vide order dated 17.06.1999 (pg.14) in 2000 when the rotational transfers took place, he was again posted as ~~as~~ Supervisor (SBCO) Pauri Headquarter vide order dated 04.04.2000. Applicant again represented but competent authority did not accede to his request which was duly communicated to the applicant vide letter dated 25.04.2000 (Pg.13). Applicant has already joined at Pauri on 17.07.2000. They have further explained that guidelines provide for transfer within the Division as far as possible and that is also for rotational transfers. It would have no application in case of applicant as he was posted out on promotion. The posting on promotion has to be made keeping in view the smooth functioning of postal services at appropriate place. It is thus submitted that transfer cannot be said to be arbitrary or contrary to guidelines. They have also submitted that Supreme Court has repeatedly held that courts should not interfere in normal day to day functioning of department as department is the best authority to decide who is to be posted where and since this is a transfer on promotion, it calls for no interference, therefore, the O.A. may be dismissed.

4. I have heard both the counsel and perused the pleadings as well. Law on the question of transfer is well settled by now by Hon'ble Supreme Court who have repeatedly held that transfer is an incidence of service, therefore, courts should not interfere in transfer matter lightly and should interfere only if the transfer is passed due to some

extraneous grounds or is passed contrary to some rules or instructions.

5. Since applicant's counsel had referred to the guidelines to suggest that he could not have been transferred before 4 years, I looked at the relevant chapter. Applicant's counsel had relied on Rule 60 of Posts & Telegraphs manual which for ready reference reads as under:-

"The following posts should not ordinarily be occupied by the same officials continuously at a time for more than the period shown against each:-

- (1) Head clerks of Superintendents
- (2) Investigating inspectors and sorting inspectors in Circle Offices.
- (3) Head clerks of sections in Circle Offices
- (4) Clerks in General Post Offices or first class head post offices dealing with staff cases.
- (5) Time-scale clerks in offices of the Superintendents of post offices and Railways Mail service except sorting clerks in office of Superintendents, R.M.S.
- (6) Clerks working in the correspondence and accounts Branches of Head Post Offices.
- (6-A) Time-scale clerks working in the Philatelic Bureau.

NOTE: The Divisional Supdt./PPM/Gazetted Postmaster working directly under the Head of the Circle may at his discretion order transfer of the staff working in the Philatelic Bureau any time before completion of the tenure of 4 years for administrative reasons."

6. Bare perusal of this rule would show that this rule talks of the outer limit that the officers should not be allowed to continue on same posts for more than 4 years. It does not say they cannot be transferred before 4 years. Moreover, the note specifically states that the Divisional Supdt./PPM/gazetted Postmaster working directly under the Head of the circle may at his discretion order transfer of staff



anytime before completion of tenure of 4 years for administrative reasons.

7. In the instant case, it is seen that applicant was posted from Saharanpur to Bijnaur on this promotion but at his request the transfer was stayed for 6 months and then he was posted to Pauri so it is not a normal rotational transfer but transfer on promotional where his services are required can only be decided by the authorities as they are the best judge as to who is to be posted where. I do not find any arbitrariness in the orders passed by the respondents. Moreover, applicant has already joined at Pauri so no interference is called for in this case. No other point was urged, therefore, the O.A. is dismissed with no order as to costs.


Member (J)

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