

11

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.302 of 1989

Date of decision : September 7, 1989.

Haladhar Das, Office Assistant,
Office of the Sr. Superintendent of
Post Offices, Puri Division,
Puri-752001.

...

Applicant.

Versus

1. Senior Superintendent of Post Offices,
Puri Division, Puri-752001.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001.
3. Director General of Posts,
Dak Bhawan, New Delhi-110001.
4. Union of India, represented through the
Secretary, Ministry of Communications,
Government of India, New Delhi-110001.

...

Respondents.

For the applicant ... Mr. D. P. Dhalsamant, Advocate

For the respondents ... Mr. Aswini Ku. Misra,
Senior Standing Counsel (C.A.T.).

- - - - -
C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

- - - - -

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

- - - - -

JUDGMENT

N. SENGUPTA, MEMBER (J) The relief sought for by the applicant is to quash the orders, copy of which is at Annexure-2.

2. The applicant has averred that he was working as a Postal Assistant. In 1982 he represented for his transfer to the office of the Respondent No.1 i.e. Senior Superintendent of Post Offices, Puri Division, from a Post Office at Puri where he was then posted. This request of his was acceded to and he was really brought back to the Office of the Senior Superintendent of Post Offices, Puri Division. At the time of his transfer to the Office of the Senior Superintendent of Post Offices, he was working in the Post Office, Puri 2. After his representation was allowed, he joined in the Office of the Senior Superintendent of Post Offices, Puri Division on 3.2.1989. Thereafter, on 13.7.1989 the impugned order cancelling the order of transfer was passed on the ground that he (the applicant) had not completed normal tenure at his old posting i.e. Post Office, Puri-2. In the application, a list of persons who were transferred before completing their normal tenure has been given (page 3 of the application), possibly with a view to contend that he (the applicant) has been discriminated against.

3. The respondents in their counter have contended that the applicant was working as an Office Assistant in the Office of the Respondent No.1 from 29.4.1980 to 11.5.1984 and ordinarily, he would have been transferred from that post. But the applicant made a representation to continue in that post for some more time and his representation was allowed.

*Mem 8/9
Mew 7/9*

Thereafter, the applicant was transferred to the Sub Post Office, Puri 2 on 31.5.1986 and again the applicant represented on 20.8.1987 to Respondent No.1 to transfer him to the Office of the Respondent No.1. That was after a lapse of only 1½ years in the Post Office, Puri 2. After that he was transferred to the Office of Respondent No.1 as per Annexure-1, on 27.1.1989.

4. We have heard Mr.D.P.Dhalsamant, learned counsel for the applicant and Mr.A.K.Misra, learned Senior Standing Counsel for the Central Administrative Tribunal at some length. The facts are rather simple and the only question ~~can~~ ^{to} be gone into by this Tribunal is whether could it interfere with the administrator's view about the necessities of posting of a particular person at a particular place more so when there are Rules in support of such transfers or postings. The Postal Manual prescribes that an officer should not ordinarily be brought back to the same Division, Sub-division or post until a lapse of an interval equivalent to the maximum period for which the post may be held as fixed in the preceding Rules. On referring to Rule 60, it would be found that the tenure of posting of a clerk in the Offices of Superintendents (Item No.5) is 4 years. From the statements of facts it is apparent that the applicant had previously completed 4 years in the Office of the Senior Superintendent of Post Offices and he had not completed 4 years in any Post Office i.e. Puri-2. Such being the case, and in view of the recent pronouncement of the Hon'ble Supreme Court that a Tribunal or a Court should not interfere in the matters of transfers and postings unless there are compelling reasons therefor, we are not inclined

Manu Supt
2/9/89

14

to quash the order and accordingly, this case stands dismissed leaving the parties to bear their own costs.

Neerup 7/9/89
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree.



B.R. Patel 7-9-89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
September 7, 1989/Sarangi.