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Central Administrative Tribunal
Cuttack Bench: Cuttack

Original Application No.: 286 of 1992

Date of decision: 28.8.1992.

Jyotiraj Dash and others ... Applicants

-Versus-

Union of India and others ... Respondents

For the Applicants : M/s Devanand Misra,
Deepak Misra,
A. Deo, B. S. Tripathy,
P. Panda, D. K. Sahu,
Advocates.

For the Respondents : Mr. Aswini Kumar Misra, Sr. St. Counsel
(Central)

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CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

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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 His Lordships wish to see the fair copy of the judgment? Yes.

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J U D G M E N T

K.P.ACHARYA, VC

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioners M/s Jyotiraj Dash, Durga Prasad Panda, Janakiballav Mohanty and Sarada Prasan Das pray to quash Annexures 4, 5, 6 and 7.

2. Vide Annexure 4 dated 24.6.1992, the Petitioner Shri Jyotiraj Dash has been transferred from Cuttack G.P.O. to Chandichowk Post Office. Vide Annexure 5 dated 24.6.92 Shri Durga Prasad Panda has been transferred from Cuttack G.P.O to College Square Post Office. Vide Annexure 6 Shri Janakiballav Mohanty has been transferred from Cuttack G.P.O to College Square Post Office and vide Annexure 7 dated 24th June, 1992 Shri Sarada Prasan Das has been transferred from Cuttack G.P.O to Kanikarajbati Post Office.

3. In their counter, the Opposite Parties maintained that the transfer order is in exigency of service and in public interest which should not be interfered. Hence the case being devoid of merit is liable to be dismissed.

4. I have heard Mr. Deepak Misra learned Counsel appearing for the Petitioners and Mr. Aswini Kumar Misra learned Standing Counsel for the Opposite Parties. The only point that was urged by Mr. Deepak Misra is that the policy adopted by the concerned authority in taking into account the leave reserve period of the petitioners regarding completion of their tenure of service is wrong, illegal, unjust and improper. Therefore, the transfer order should be quashed.

5. On the other hand, Mr. Aswini Kumar Misra learned Standing Counsel submitted that even if the leave reserve period is not taken into consideration, still then the petitioners cannot

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have any grievance because they have been transferred from one office to the other in Cuttack District ^{to say} and in absence of any malafide and violation of Statutory, Mandatory Rules, the application is devoid of merit. After giving my anxious consideration to the arguments advanced at the Bar, I am of the opinion that there is substantial force in the contention of Mr. Aswini Kumar Misra, learned Standing Counsel appearing for the Opposite Parties. Apart from the above, the admitted case of the parties is that the petitioners have joined their respective posts to which they have been transferred. Therefore, in such circumstances, interference by the court in regard to Annexures 4, 5, 6 and 7 is not warranted.

6. Lastly Mr. Deepak Misra submitted that leave be granted to the petitioners to file representation before the Chief Post Master General to give a ruling that the leave reserve period should not be taken into account for computing the tenure of service in respect of a particular post. No leave is required. The Petitioners if so advised, may file representation challenging the policy ^{division} and the Chief Postmaster General would pass orders according to law. Hence I do not find any merit in this application which stands dismissed leaving the parties to bear their own costs.


VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/K. Mohanty/

