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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O.A. No. 699 of 1994

Cuttack this the 16th day of May, 1995.

V.G.Krishna

...

Applicant

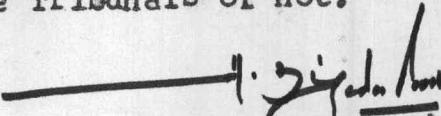
Versus

Union of India & Others ...

Respondents

(For Instructions)

1. Whether it be referred to the reporters or not? No.
2. Whether it be circulated to all the Benches of the No. Central Administrative Tribunals or not?

  
(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

16 MAY 95

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

O. A. NO. 699 OF 1994

Cuttack this the 16<sup>th</sup> day of May, 1995.

CORAM:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Shri V.G.Krishna, Aged about 42 years,  
son of late V.K.Murty, SDI(P),  
West Sub-Division,  
Rourkela-769002.

... ... Applicant

By the Advocate ... M/s. S.K. Mohanty, S.P. Mohanty,  
Advocates.

Versus

- 1) Union of India represented by its  
Secretary, Department of Posts,  
Dak Bhawan, New Delhi.
- 2) Tapti Neogi, Director (Staff)  
Dak Bhawan, Sansad Marg,  
New Delhi-1.
- 3) Chief Postmaster General,  
Orissa Circle, Bhubaneswar.
- 4) Postmaster General, Sambalpur Region,  
Sambalpur.
5. Shri M.K.Tajan,  
Planning and Monitoring Inspector-II,  
Office of PMG, Sambalpur. ... Respondents

By the Advocate ... Mr. Ashok Mishra, Sr. Standing  
Counsel (Central)

... . . .

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ORDER

H. RAJENDRA PRASAD, MEMBER(ADMN.) : The applicant, V.G. Krishna, had been working as IPOs ( Planning ) in the office of the Postmaster General, Sambalpur Region, since 1990. In May, 1994, he was transferred and posted as IPOs, Talcher Sub Division. The posting to Talcher could not be implemented and the applicant was transferred to Rourkela (West) Sub division <sup>in</sup> September, 1994, which post he joined on 27th September, 1994. In less than three months he has, however, been transferred once again from Rourkela (West) Sub- division and posted as Inspector of Post Offices, Plan Monitoring and Implementation, Rourkela.

2. The applicant is aggrieved with the latest posting orders and seeks the quashing of the impugned order.

3. It is seen that -

1. The applicant has been subjected to frequent transfers from May, 1994, without any apparent justification or emergency necessitating earlier such repeated shifts. His posting to Talcher Sub-division was not operated till September, 1994, although the orders were issued merely five months earlier, leaving him in a state of uncertainty. In September, 1994 he was asked eventually to join, not at Talcher, but in Rourkela (West) Sub-division. Just two months later, he was shifted once again from the Post of IPO Rourkela (West) Sub division. This posting was admittedly ordered to accommodate Respondent 5.

13/10/1994

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Shri Madhukar Tajan, who is reported to be having some domestic difficulties necessitating his presence at Rourkela. To accommodate the request of Respondent 5, the post of IPO, PMI-II was shifted from Sambalpur to Rourkela, and the applicant was shifted from Rourkela (West), Sub-division and headquartered temporarily at the same station, Rourkela. Next, the post of IPOs PMI was placed under the operative control of of SSPOs, Sundergarh Division, also presumably temporarily, leaving the drawal of his Pay and Allowances still with the office of Respondent No. 4.

3. The object of so much chopping and changing of an established practice is not understood, even if it is clear that the aim was to accommodate Shri Madhukar Tajan who projected certain personal difficulties to the D.G. (Posts) requesting his posting to Rourkela town. There is no reason to disbelieve that Shri Tajan has the problem of illness of his wife necessitating his presence there. However, in conceding his request, the problems likely to be faced by the official who was sought to be replaced by him, viz, the applicant, seem to have been completely overlooked. And the arrangements

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ordered to implement the contemplated changes are seen to be convoluted and adhoc. The D.G.(Posts) was justified and quite fully competent to agree to Tajan's request for a posting to Rourkela in relaxation of normal rules of transfer. However, the manner of implementing this concession was rather unusual. It is not clear why Shri Tajan could not move from Sambalpur Regional Office to Rourkela along with his post. This would have been far easier and simple than the present interlocking measures which are needlessly complex, and possibly against rules as well.

4. There may possibly be some difficulty in detaching the post of IPOs PMI from the Regional Office and relocating it away from Sambalpur, which is why it has perhaps been decided that the pay and allowances of that post shall continue to be drawn from the Regional Office. It is also perhaps not quite permissible to vest the operational control of IPOs PMI in the SSPOs of single Division. If it is indeed so, approval of the competent authority for locating the IPO, PMI, at Rourkela as a special case should be obtained, if administratively feasible and advisable, and if operationally justified and workable as a long-term measure, instead of resorting to adhoc measures of this nature. This deserves examination.

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4.57 a.m.

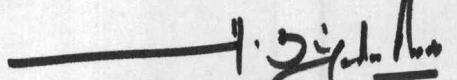
5. Administrative measures of this kind are exclusively in the province of the authorities concerned. However, the immediate concerns of this case before the Tribunal point to the fact that the applicant should not be subjected to needless distress by way of avoidable shifting only to accommodate the needs of a colleague. There has been no suggestion that the applicant's performance in his present appointment was in any way wanting or unsatisfactory, or that his presence was specially needed in the Planning, Monitoring and Implementation organisation. That being so, posting him out of his present sub-division within a very short time ~~in~~ of his joining <sup>it,</sup> cannot be appreciated or acquiesced in. It needs to be added that the Hon'ble Supreme Court in a series of Judgments has deprecated transfers which are ordered at short recurring intervals on extraneous considerations. It has been held that transfers are no more than incidents of one's service career and no employee can either choose to remain at one place or assert a claim to be posted to any particular assignment or <sup>seek</sup> any immunity or exemption from posting out of any station or post. It is also conceded that the authorities are fully empowered to transfer any official to or from any post or station in the interests of service, or where public exigencies so require. No court may normally interfere in routine transfers where the powers to order such transfers has

been exercised fairly and reasonably judiciously in keeping with existing rules and guidelines.

The impugned order of transfer is however, seen to be not in consonance with the policy on rotational transfers. The respondents have not shown how exactly, if at all, it serves any public interest. While this is so, there is some force in the applicant's contention that the posting was based on considerations which, however well-intentioned, were extraneous.

Under the circumstances, and in the light of what has been discussed in the preceding paras, the orders contained in Postmaster General, Sambalpur Region, Memo No. ST/RO-3/94 dated 2nd December, 1994, are liable to be set aside, and are set aside.

Thus, the Original Application is disposed of.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

16 MAY 95

KNMohanty, CM.