

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 269/2000.

Cuttack, this the 5th day of December, 2000.

Lingaraj Patra.	...	Applicant.
	Vrs.	
Union of India & Ors.	...	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 Central Administrative Tribunal or not? NO

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN

*(D. V. R. S. G. DATTATREYULU)*  
(D. V. R. S. G. DATTATREYULU)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 269 OF 2000.  
Cuttack, this the 5th day of December, 2000.

CORAM;

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
A N D

THE HONOURABLE MR. D. V. R. S. G. DATTATREYULU, MEMBER (JUDL.).

..

Sri Lingaraj Patra,  
S/o. Late Jayakrushna Patra,  
At present working as Sub-Postmaster, Jodabzar,  
At/Bo: Joda, District-Keonjhar.

... APPLICANT.

By legal practitioner : Mr. P. K. Padhi, Advocate.

- Versus -

1. Union of India represented by its Chief  
Postmaster General, Orissa Circle,  
At/Bo: Bhubaneswar, District-Khurda-1.
2. Director of Postal Services (Sambalpur),  
Sambalpur Region, At/Bo/Dist. Sambalpur.
3. Superintendent of Post Offices,  
Keonjhar Division,  
At/Bo: Keonjhar Garh, Dist. Keonjhar-1.
4. Kunja Bihari Rath, Supdt. of Post Offices,  
Keonjhar Division, At/Bo: Keonjhar Garh,  
Dist. Keonjhar-1.
5. Sri Krutibas Patra, Sub Post Master,  
At/Bo: Dhanuryayapur SO, Dist. Keonjhar

... RESPONDENTS.

By legal practitioner: Mr. A. K. Bose, Senior Standing Counsel (Central).

....


O R D E R

MR. D. V. R. S. G. DATTATREYULU, MEMBER (JUDICIAL) :

The applicant in this Original Application prays for quashing the transfer order of the Applicant at Annexure-A/2 and to direct the Respondents to allow the applicant to continue in his present post till completion of his tenure at Jodabazar.

2. Applicant has approached this Tribunal stating that the applicant has been continuing at Jodabazar Sub Post Office as Sub Post Master since 12-6-1999. According to him, he was transferred from that place. According to him he has been transferred from this post without completing his tenure. According to the applicant Respondents with some mala fide intention and having vested interest posted Respondent No.5 as SPM, Jodabazar. Therefore, he prays for quashing of the order of transfer.

3. Respondents in their counter have denied the allegations made by the applicant parawise. Further their stand is that as the Sub Postmaster, Jodabazar Sub Post Office, the applicant used to attend his office according to his own sweet will and he has not maintained the discipline with regard to opening of the Post office at time with punctuality and thereby causing inconvenience to the public. According to them, this matter was considered by the reports under Annexure-R/1 and also Annexures-R/2 and R/3. Therefore, the Department for the purpose of smooth functioning of the post office thought that the applicant has to be transferred and therefore, they have transferred him and therefore, the plea of mala fide urged by the applicant <sup>is</sup> are not sustainable.

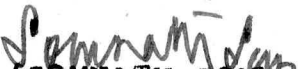


4. We have heard learned counsel for both sides and considered the various documents and averments made therein.

5. The point for consideration is whether the transfer order is to be quashed or not. In the service jurisprudence, the transfer is an incident of service. It is not a question of policy to post a person in a particular post or a particular place according to his will. It is left to the Department to consider and decide/assess in which way a particular employee will have to work in a particular post and take the interest of the public. Though the applicant alleges mala fide on the part of the Respondent No. 4 there is no record to show that the Respondents have transferred the applicant with some ill motive much less to say mala fide.

6. Respondents' counter has been signed by a responsible officer and they clearly state that the applicant is not diligent and not observed the time with punctuality to open the post office in time. This is the sufficient ground to transfer him. Therefore, absolutely there is no merit in this Original Application. The application is dismissed. No costs.

7. Learned counsel appearing for the applicant submits that the present applicant and applicant in Original Application No. 268/2000 want to have interchange of their place of posting and the Tribunal may give a direction to the Respondents to consider that. This is not the prayer of the applicant in the Original Application. It is to the Department to consider the representation and take a suitable decision on the grievance of the employee. Therefore, there is no necessity to give any direction in this point.

  
(SOMNATH SOM)  
VICE-CHAIRMAN

  
(D. V. R. S. G. DATTATREYULU)  
MEMBER (JUDICIAL)