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O.A.NO.339 OF 2002

ORDER DATED 20-08-2002.

Applicant, a Postal Assistant associated with Savings Bank, came on transfer from Jagatsinghpur to Cuttack by the orders of the competent Authorities passed under Annexure-1 dated 23-05-2001. He having again faced an order of transfer (under Annexure-2 dated 16-05-2002) from Cuttack GPO to Kendrapara Head Post Office, has filed this Original Application Under section 19 of the Administrative Tribunals Act, 1985.


2. By filing counters, the Respondents have pointed out that the transfer and posting of persons like Applicant are regulated by the rotational transfer policies/guidelines placed at Annexure-R/1 dated 23-02-1998 and that, accordingly, a station seniority list was drawn up on 09-08-2001 (Annexure-R/2) and because it was found from the said seniority list dated 9-8-2001 that the Applicant had been stationed at Cuttack and Bhubaneswar for over 22 years, he had to be replaced in order to accommodate others at Cuttack. It is the case of the Respondent No.5 that he was never posted at Cuttack/Bhubaneswar and, in the said premises, his posting at Cuttack should not be interfered with.



contd.....Order.....dated 20-08-2002.

3. The rotational policies/guidelines dated 23-02-1998 (Annexure-R/1) go to show that the said policies/guidelines was/is subject to the provisions contained in Rules of Chapter-II of P&T Manual, Vol. IV. The Advocate for the Applicant has drawn my attention to Rule-60 of the said P&T Manual Vol.IV which requires that a Postal Assistant can be allowed to continue at a particular station upto four years. Such a provision, as it appears to me, is not a mandatory one but a directory one - rather this provision in Rule-60 of P&T Manual Vol.IV goes to show that a Postal Assistant of the specified category can continue at a particular station maximum upto four years and, therefore, this provision in P&T Manual, Vol.IV is of no assistance to the Applicant.

4. The Advocate for the Applicant has drawn my attention to the transfer order dated 23- 5-2001; on the strength of which the Applicant came on transfer from Jagatsinghpur to Cuttack. This is the same order by which the Respondent No. 5 was directed to face a transfer from Jagatsinghpur to Kendrapara. The circumstances in which the Respondent No.5 did not go on transfer from Jagatsinghpur to Kendrapara have not been disclosed in the pleadings of this case.



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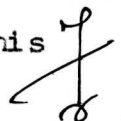
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Contd.....Order.....Dt.20-08-2002.

5. It appears, in order to accommodate Respondent No.5 at Cuttack, the A-ppllicant has faced the transfer.Law is well settled that transfer of a Government servant,in order to accommodate somebody amounts to mala fide but since on the strength of the guidelines dated 23-02-1998, the Applicant had to face a transfer,I am not in a position to accept the grounds of mala fide. However, while making an attempt to adjust the Respondent No.5 at Cuttack, the authorities, as it appears, had forgotten that the Applicant came to be posted at Cuttack only a year back and, therefore, they should not have disturbed the Applicant.

6. Transfer of a Government servant is an incident of service and the grievances,pertaining to the same,can only be redressed by the Authorities in the Department. Applicant,who came to join at Cuttack only few months back/less than one year, has got several grievances; which he should try to get redressed before his Authorities.

7. In the above said premises, this Original Application is disposed of by granting liberty to the Applicant to represent his grievances before his



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Authorities/Respondent No.2 and, in the event the Applicant makes such a representation by the end of August, 2002, the Respondent No.2 should give due consideration to the same by the end of September, 2002. Respondents are hereby directed accordingly. Respondents are further directed not to disturb the Applicant till end of September, 2002 or till disposal of his representation. However, this will not arrest the Respondents to give a suitable alternate posting to Respondent No.5 at Cuttack in any other post without disturbing the Applicant from Cuttack. This Original Application is disposed of with directions and observations, without imposing any costs.

Manoranjan Mohanty
20/08/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

KNM/C.M.

Copy of order
dt. 20/8/02 issued
to the counsel for
(both) all sides

By
S.O. 23/08/02

By
22/8/02