

CORAM:

HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

AND

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

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Order dated 29th April 2009

The applicant challenges a transfer order dated 15.4.2009 issued by the Superintendent of Post Offices, Dhenkanal Division, Dhenkanal, on the grounds that he has not completed the tenure period for his transfer and the transfer is now at the midst of the academic year. It is the further ground taken by the applicant that there are officers working in the Dhenkanal office, having more than six to fifteen years of service in the same office whereas the applicant has been transferred even before completing his tenure period. Another ground urged is that the station to which the applicant has been transferred and posted is a place where his father met with a brutal murder due to some civil disputes between his father and his rivals.

2. We have considered the grounds urged in the O.A. and also heard Shri P.K. Padhi, the learned counsel for the applicant and Shri R.C.Swain, the learned Addl. Standing Counsel, who appears on notice for and on behalf of the Respondents.

3. The transfer order is dated 15.4.2009 and it is seen that the applicant is one among the 14 officials who have been transferred by the

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same order. With regard to the tenure period of the applicant, it is informed by the learned counsel for the Respondents that the applicant has already completed his tenure period and even if one month or two months are left, that itself is not a reason to interfere with the transfer order which is made in the interest of service as is usually made by the Department. There is thus no violation of the guidelines issued by the Department for transfer and posting of the employees.

4. The other ground the learned counsel for the applicant urged is that the transfer is at the middle of the academic year. This submission is not correct as the academic year has already ended in this State as the schools and colleges are already closed for summer vacation. That apart, there is no evidence before us that his son is reading in 10th Standard and will not be in a position to read or continue his education if his father is transferred. Even if the applicant is transferred, it is not stated anywhere that nobody is there in the family to look after the education of his son. There is no allegation of bias or mala fide made against the transfer order now made by the authorities. If we interfere with the order of transfer of the applicant, it will have a chain effect on all other officials who have been ordered to be transferred by the impugned order.

5. Transfer is an incidence of service. Unless it is proved that the transfer is made on mala fide or bias and in violation of any of the transfer guidelines, Courts/Tribunals are not expected to interfere with the

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same. Though the learned counsel for the applicant relied on some of the orders of the Central Administrative Tribunal, we find that the dictum laid down in those decisions is not applicable to the facts of the instant case.

6. In the above circumstances, we see no grounds to interfere with the order of transfer of the applicant. Hence the O.A. being devoid of merit is dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER