

के.प्र.म. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निःशुल्क प्रति

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CENTRAL ADMINISTRATIVE TRIBUNAL,

JODHPUR BENCH, JODHPUR

O.A. NO.: 199/2005 & 200/2005

DATE OF ORDER: 31st Aug '05

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

O.A. NO.: 199/2005

Smt. Sushila Somani wife of Shri Pushkarlal Somani, P.A.,
SBCO, Head Post Office, Chittorgarh (Under transfer),
Resident of C-59, Bapu Nagar, Road No.4, Senti West,
Chittorgarh.

...Applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication, Dept. of Post Office, Dak Bhawan, New Delhi.
2. Postmaster General, Rajasthan Southern Region, Ajmer 305 006.
3. Director Postal Services, Rajasthan Southern Region, Ajmer.
4. Postmaster, Head Post Office, Chittorgarh.

...Respondents.

O.A. NO.: 200/2005

Shri Pushkarlal Somani son of Shri Nathulalji Somani P.A.
Head Post Office SBCO, Chittorgarh (under transfer)
Resident of C-59, Bapu Nagar, Road No. 4, Sentiwest
Chittorgarh.

...Applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication, Dept. of Post Office, Dak Bhawan, New Delhi.
2. Postmaster General, Rajasthan Southern Region, Ajmer 305 006.
3. Director Postal Services, Rajasthan Southern Region, Ajmer.

4. Postmaster, Head Post Office, Chittorgarh.
5. Shri S.C. Khandelwal, P.A. SBCO Head Post Office,
Chittorgarh

...Respondents.

Mr. Mahesh Bora, Counsel for the applicants in both OAs.

Mr. Vinit Mathur, Counsel for the respondents in both OAs.



ORDER

[Per Mr. G.R. Patwardhan, Adm. Member]

O.A. No.199/2005 has been filed by Mrs. Susila Somani, working as Postal Assistant at Chittorgarh and since transferred to Dungarpur vide order dated 13.04.2005 issued on behalf of Post Master General, Ajmer, who is respondent No.2.

O.A. No.200/2005 has been filed by Mr. Pushkarlal Somani, husband of Mrs. Susila Somani, working as Postal Assistant at Chittorgarh and transferred to Udaipur vide an order dated 13.04.2005, passed on behalf of the Post Master General, Ajmer, respondent no.2.

The respondents in both the O.A.s are four in number, led by the Secretary Department of Posts and include the Post Master General, Ajmer, Director Postal Services, Ajmer and Post Master of the Head Post Office at Chittorgarh. Shri Pushkarlal Somani has included a private respondent Mr. S.C. Khandelwal, who appears to be Postal Assistant at the Head Post Office, Chittorgarh.

2. In both the O.A.s the order dated 13.04.2005 issued by the Post Master General, Ajmer, respondent no.2 has been

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challenged through which both the applicants - wife and the husband stand transferred respectively to Dungarpur and Udaipur, though they are presently posted together at Chittorgarh. The prayer in both the O.A.s is to quash this order. By way of interim relief, a prayer was made to stay the operation of this order by which they were both transferred. On 19.07.2005 after hearing the learned counsel for the applicants, Dasti notices were ordered to be issued to the learned counsel for the applicant for service on the respondents returnable on 27.07.2005. On that date Mr. Vinit Mathur, learned counsel for the respondents appeared and sought some time to file the reply which was granted and the case was listed on 02.08.2005, when the learned counsel for the applicant sought adjournment. It was thereafter listed on 04.08.2005 when the learned counsels for both the parties were present and were heard. The respondents were directed to make available relevant file wherein transfer orders were processed. This has been made available.

3. As the issue raised is common and the grounds of attack are nearly similar we are disposing off these O.A.s at the admission stage itself by a common order.

4. Mrs. Somani, briefly stated, has alleged bias of one Mr. Bharghava and Mr. Arya (perhaps posted at Chittorgarh), violation of the policy of transfer only after completion of minimum time of four years, violation of the policy that husband and wife should be posted at the same place, the fact that she was very sincere and honest and that her medical bills have not

been cleared for last 15 months. She admits that she was departmentally proceeded sometime in April 2005 and this has ended in stoppage of one increment without cumulative effect.

Her husband Pushkarlal Somani has attacked the transfer order by saying that it violates the policy that transfer should not be effected before completing four years by government servant, that it violates the policy that husband and wife should be posted together and that he has worked with full sincerity and dedication. He also complains that his medical bills have not been passed for the last 15 months.

5. A detailed reply has been filed by the respondents, of which the main points are as follows:



- (a) There has been no harassment either of the wife or the husband, applicants. The disciplinary proceedings against Mrs. Somani have nothing to do with the transfer under challenge because proper action for the alleged misconduct has already been taken when she was found guilty and punishment was awarded. Her statement that she was rendering satisfactory service is not correct, rather she was time and again cautioned to complete pending work.
- (b) The administrative authorities are better placed to appreciate how the services of a particular person can be best utilized.
- (c) The transfer of the applicants has been purely in

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administrative interest and administrative exigency.

(d) In so far as the policy of completion of four years at a place is concerned it is not an obligation that has to be carried out even if the demand of work requires posting of suitable and adequate number of person at a place.

(e) The medical claims of the applicant are under examination and would be cleared at the appropriate time.



6. In so far as powers of Courts and Tribunals in matters of this nature are concerned, it goes without saying that their exercise is limited to only those cases which show express display of malafides or blatant violation of established practices. None of these has been brought out either by arguments or pleadings or even by perusal of the records submitted by respondents.

7. The only thing that appears a bit unusual to us is that husband and wife, though working at the same place have been transferred to two different places. This may to some extent create personal difficulties which any such dislocation results in. The respondent authorities - especially respondent no.2, Post Master General, Ajmer may therefore examine the possibility of putting both of them together in case they prefer such representation within a month of this order. During the period

they file their representation and it is disposed by a speaking order, both the applicants may be allowed to continue at the present place of posting if not already relieved. With these observation, the O.A.s are disposed off.



Sd/-
[G.R.PATWARDHAN]
 MEMBER[A]

Sd/-
[J.K.KAUSHIK]
 MEMBER[J]

Anu

CERTIFIED TRUE COPY

Dated 01-9-2005

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શાસ્ત્રીય અધિકારી (ન્યાય.)
 Section Officer (Jud.)
 કેન્દ્રીય શાસ્ત્રીય અધિકરણ
 Central Administrative Tribunal
 જોધપુર નામાંકન કોર્ટ
 Jodhpur Court

Part II and III destroyed
 in my presence on 17/11/14
 under the supervision of
 section officer () as per
 order dated 18/12/13

Section officer record

17/11/14

R/C

OK

copy hand
 6/9/15