

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 424 of 2010**

**Thursday, this the 26<sup>th</sup> day of May, 2011**

**Hon'ble Justice Mr. P.R. Raman, Judicial Member**

S. Biju, Aged 47 years, S/o. A. Sathyinandan,  
 Postal Assistant, Head Post Office, Karunagapally,  
 Residing at Marakkasseril Veedu, Maru North,  
 Alum Kadavu P.O., Karunagapally. ....

**Applicant**

**(By Advocate – Mr. N.K. Thankachan)**

**V e r s u s**

1. Union of India, represented by the  
 Chief Postmaster General, Kerala Circle,  
 Trivandrum.
2. The Senior Superintendent of Post Offices,  
 Kollam Division, Kollam.
3. A.K. Firoz, SPM, Manapally North,  
 Karunagapally-690 574. ....

**Respondents**

**(By Advocate – Mr. Sunil Jacob Jose, SCGSC)**

This application having been heard on 26.5.2011, the Tribunal on the same day delivered the following:

**O R D E R**

The applicant is a Postal Assistant working at Head Post Office, Karunagapally. He has been transferred by Annexure A-1 order dated 21.5.2010 issued by the second respondent from the present place of work namely Head Post Office, Karunagapally to Manapally North as Sub Postmaster which according to the respondents is a place 4 Kms. away from the place where he is working and according to the applicant it is 10 Kms. away. What ever that be even assuming

what the applicant says is correct i.e. the place where he has been transferred is within 10 Kms. the question to be considered in this application is as to whether such a transfer is liable to be interfered with and whether there are valid grounds for doing so.

2. According to the applicant he has not completed a period of four years at Karunagapally, as he was posted at the Head Post Office, Karunagapally in November, 2008 and he will be completing four years only in November, 2012. At any rate he had been continuing in the present place by way of an interim order for more than one year. Thus as on date, he has completed nearly three years in the present station. It is pointed out that the party respondent No. 3 has not completed the tenure at Manapally North Post Office and the present transfer is at his request and it is for favouring him that the applicant has been transferred to that place. Before transferring the applicant his willingness was not obtained. These are the grounds stated in the OA.

3. In this case reply was filed by the respondents, thereafter rejoinder by the applicant and then additional reply, additional rejoinder and today an additional affidavit is also filed. It is not necessary to traverse to the entire pleas that have been made in these additional affidavits and counter affidavits.

4. According to the respondents the applicant is the senior most Postal Assistant at Karunagapally. The mere fact that he has not completed the tenure of four years by itself does not make the transfer order liable to be interfered with since the guidelines issued are not strictly have any statutory force and in a situation where the interest of administration requires his service at Manapally North and he being



the senior most the administration is entitled to transfer an employee from one place to another as exigency of administration may require. It is also pointed out by the respondents that if the applicant's transfer according to him is within 10 Kms. from the present place where he is working, no hardship as such could be met out. The allegation that the transfer is to favour 3<sup>rd</sup> respondent is denied by the respondents.

5. Heard both sides. It is settled law that orders of transfer are liable to be interfered with by court of law only when it is shown to be vitiated by mala fide or for certain exceptional reasons. In what way the service of the employee is to be made use of by the administration is not for the courts to dictate even though there may be inconvenience in such transfer. It is however a matter to be considered by the administration and make necessary transfers without giving room for complaints to the extent it is possible. In this case even going by the averments made by the applicant that he has been posted at Karunagapally in 2008, as of now he has completed more than three years and his transfer to Manapally North is only a few kilometers away from the present station. Therefore, without in any way changing his residence he can continue to attend work in the transferred place. According to the respondents he is the senior most at Karunagapally and the administration requires his service at Manapally North as Sub Postmaster. In the wake of these facts I do not think it is appropriate for this Court to stall a transfer. However, if there are good reasons for the applicant to continue at the present station, it is always open for him to file a representation on his behalf. But that is not a matter for the court to take into consideration and make orders in that behalf as transfer in the first instance is within the right of the employer and



whatever grievance or hardship if any made out is for the administration to consider.

6. In the result the OA is devoid of merit and accordingly, the same is dismissed. However, it will not stand in the way of the applicant filing any representation if he is so advised. No order as to costs.



(JUSTICE P.R. RAMAN)  
JUDICIAL MEMBER

“SA”