

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 504 of 2000

Monday, this the 5th day of June, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. Smt. R. Margaret,
Sub Postmaster,
Kottiyam PO, Kollam. ...Applicant

By Advocate Mr. PC Sebastian

Versus

1. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. The Director General of Posts,
Department of Posts, Dak Bhavan, New Delhi.
4. The Union of India, represented by
its Secretary, Ministry of Communications,
Department of Posts, New Delhi.
5. Smt. J. Philomina,
Postal Assistant, Kollam HO. ...Respondents

By Advocate Mrs S. Chithra, ACGSC

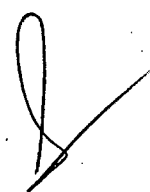
The application having been heard on 5th June 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A1 in full and A2 to the extent it relates to her transfer from Kottiyam to Chathannoor, and to direct the 1st respondent to permit her to continue as Sub Postmaster Kottiyam till her retirement, or in the alternative to direct the 2nd respondent to reconsider the applicant's case for extension of tenure in the light of the guidelines issued by the 3rd respondent.

...2.



2. The applicant is working as Sub Postmaster at Kottiyam Sub Post Office since 31-7-1995. She is to retire on 31-10-1999 and in consonance with the prevailing transfer policy guidelines officials who are to retire within two years are to be exempted from rotational transfer as far as possible. As per A2 dated 3-5-2000 she has been transferred from Kottiyam to Chathannoor. The applicant says she is aggrieved by the same.

3. According to the applicant, as per the guidelines relating to the transfer contained in A3, she is entitled to be retained at her present station. It is needless to say that the guidelines do not have the force of statutory rules and cannot be enforced. That apart, in para 4(ii) of the OA, it is stated thus:

"Applicant submitted a representation to the Director of Postal Services, Southern Region dated 8.5.98 seeking an extension of tenure at Kottiyam in view of the fact that she was due for retirement as on 31-10-1999 i.e. within 18 months, in consistence with the prevailing transfer policy guidelines officials who are to retire within 2 years are to be exempted from rotational transfer as far as possible. ..."

A3 says that it is clarified that the present transfer policy of exempting officials who have about a year or slightly more as on 31st March of the following year before superannuation will be considered for retaining without transfer. Here, it is not a case of the applicant having only about a year or slightly more than a year as on the 31st of March for retirement.

4. Another ground stated is that the applicant is suffering from certain ailments. If that is so, it is a matter for the administration to look into. The applicant has submitted a representation to the authority concerned and

that has been rejected. It is to be borne in mind that the applicant has been transferred from Kottiyam to Chathannoor. It is submitted by the learned counsel appearing for the applicant across the Bar that the distance from Kottiyam to Chathannoor is only 6 Kms. If that is so, it is not known how it will be affecting the treatment for the ailments of the applicant.

5. It is well settled that a transfer which is an incident of service is not to be interfered with by the Tribunal/Court unless shown to be clearly arbitrary or malafide. There is no legal right to insist for being posted at any particular place. Government employee has no choice in the matter of posting. In the absence of strong and compelling grounds, transfer order is not subjected to judicial review.

6. I do not find any ground, much less any good ground, to allow the application.

7. Accordingly, the Original Application is dismissed.
No costs.

Monday, this the 5th day of June, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A1 - True copy of letter No. BB/26/2000 dated 17-4-2000 issued by the 1st respondent.
2. A2 - True extract of the relevant portion of the Memo No. BB/26/2000 dated 3-5-2000 issued by the 1st respondent.
3. A3 - True copy of letter No. 141-4/98-SPB-II dated 7-12-98 issued by the 3rd respondent.