

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.532 of 1995

Friday, this the 26th day of April, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER..

Santha Manohar, W/o Manohar, Lower
Division Clerk, National Savings Organisation,
Government of India, Ministry of Finance,
4th Floor, Civil Station, Kakkanad.

.. Applicant

By Advocate Mr M R Rajendran Nair.

Vs.

1. Deputy National Savings Commissioner,
Government of India, Ministry of Finance,
Office of the National Savings Commissioner,
12, Seminary Hills, Nagpur.
2. Regional Director, National Savings
(Government of India), Block C-III Floor,
C.G.O. Complex, Poonkulum, Vellayam P.O.,
Trivandrum.
3. Deputy Regional Director, National Savings,
(Government of India), ...
Ministry of Finance, III Floor, Civil Station,
Kakkanad.

.. Respondents

By Advocate Mr T.R. Ramachandran Nair, Addl.CGSC.

The application having been heard on 26th April 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A-1 order, transferring her
from Kerala Region to Bombay in Maharashtra Region. She
submits that the Unit for purposes of seniority and
transfer is the 'region', and there is no inter-regional
transfer liability. Since applicant did not produce the
relevant rules, we called upon the respondents to produce

the rules, and they have done it.

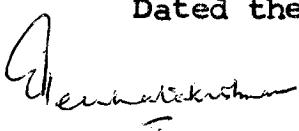
2. Learned counsel for respondents submitted that National Savings Organisation (Group C & D Posts) Recruitment Rules, 1978 are the rules governing service of applicant, and that these rules are made under Article 309 of the Constitution of India. Note 2 of the Schedule to the rules reads:

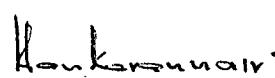
"For purposes of promotion/ transfer as provided in column 11 of the Schedule the National Savings Organisation is divided into 19 Circles as indicated in the Appendix. Each Circle will be treated as a separate unit ..."

Appendix shows that Kerala and Maharashtra are different units. Irrespective of the rights in the matter of transfer, it is obvious that an official cannot be transferred from his/ her unit of service when each unit is a water tight compartment, under the rules framed under Article 309.

3. Respondents try to overreach this position by submitting that the 'Joint Consultative Machinery' has taken a decision contrary to the prescription in the statutory rules. We are surprised that so puerile a stand has been taken. Joint Consultative Machinery cannot set at naught a rule framed under the provisions of the Constitution. The order of transfer is arbitrary and capricious to the core. We quash the same and allow the application with costs which we fix at Rs 2000/- (Rupees two thousand).

Dated the 26th April, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN