

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.539/99

Tuesday, this the 4th day of May, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

R.Sreenivasan,
Sub Postmaster(Biennial Cadre Review),
Trivandrum Museum P.O. - Applicant

By Advocate Mr G Sasidharan Chempazhanthiyil

VS

1. Senior Superintendent of Post Offices,
North Postal Division,
Trivandrum.
2. Director of Postal Services,
Head Quarters,
Office of the Chief Post Master General,
Trivandrum.
3. Merwin Alexander,
Director of Postal Services,
Head Quarters,
Office of the Chief Post Master General,
Trivandrum.
4. Chief Postmaster General,
Kerala Postal Circle,
Trivandrum.
5. M.Janardhanan Kutty Nair,
Public Relations Inspector(Postal),
Trivandrum G.P.O. - Respondents

By Advocate Mr Govindh K Bharathan, SCGSC (Constituted Bench)

The application having been heard on 4.5.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

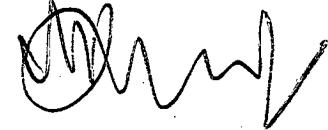
The applicant, who is a Biennial Cadre Review official
presently working as Sub Post Master, Trivandrum Museum Post
Office, has filed this application impugning the order dated

27.4.99 A-4 to the extent of he being transferred to Kunnukuzhy Post Office as Higher Grade Postal Assistant(BCR) and of the posting of the 5th respondent in his place. The applicant has alleged that on account of the transfer, he would be a loser financially as the HRA in lieu of rent free accommodation which he is presently in receipt of would be lost. It is also alleged that he has recently undergone a surgery and is still suffering from the effect of paralytic attack and that the transfer to the post which is operative would cause him hardship. Applicant's further case is that the 5th respondent who though a BCR official is junior to him and therefore the action of the first respondent in replacing him by appointing the 5th respondent in his place is arbitrary as also motivated. The impugned order of transfer relating to the applicant was made as the 3rd respondent is unhappy about the applicant's behaviour when the 3rd respondent entered the office, alleges the applicant. Since the transfer of the applicant from the post of SPM to that of Higher Grade Postal Assistant being against the norms and motivated by the illwill of the 3rd respondent, is liable to be struck down, claims the applicant. With the above allegations, the applicant has filed this application seeking to have the impugned order set aside.

2. I have gone through the averments in the application and the materials placed in the file along with the application. I have also heard Shri Sasidharan Chempazhanthiyil, learned counsel of the applicant and Shri Nishad appearing for the Senior Central Government Standing Counsel for respondents 1 to 4. The transfer involved in this case is a posting within the same station.

3. The grievance of the applicant regarding pecuniary loss and hardships owing to illness if posted on an operative post and not observing strictly the guidelines in regard to transfer etc. are not sufficient grounds for judicial intervention. The allegation of malafides that the third respondent did not like the applicant's behaviour and that was the motive for transfer is too trifling and far fetched for being taken note of. Judicial intervention in routine administrative orders like transfer can be justified only if the order is vitiated by malafides or made in contravention of statutory rules. Hence I don't find any reason to entertain the application. While rejecting the application under Section 19(3) of the Administrative Tribunals Act, I hope that the 4th respondent to whom the applicant has made A-6 representation would look into the grievance and take an appropriate decision without much delay. No costs.

Dated, the 4th of May, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

trs/6599

List of Annexures referred to in the Order:

1. A-4: True copy of the treatment card of Divya Prabha Eye Clinic.
2. A-6: True copy of the representation dated 1.5.97 submitted by the applicant to the 2nd and 3rd respondents.