

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 57 OF 2008

Tuesday, this the 30th day of September, 2008.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

Radhamani
Postman
Thathampally Post Office
Residing at Kuriyamchira, Avalukunnu P.O
Alappuzha(under orders of transfer to
Muhamma Post Office) : **Applicant**

(By Advocate Mr. C.J.Xavier)

v.

1. Union of India represented by the Secretary to Government
Department of Posts
Ministry of Communication
New Delhi
2. Chief Post Master General
Kerala Circle
Thiruvananthapuram
3. Superintendent of Post Office
Alappuzha Division
Alappuzha
4. Post Master
Muhamma Post Office
Alappuzha
5. Sub Divisional Officer
Postal Sub Divisional Office
Cherthalai : **Respondents**

(By Advocate Mr. P.Parameswaran Nair, ACGSC)

The application having been heard on 17.09.2008, the Tribunal
on 30.09.2008 delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant has come before the Tribunal challenging the
Annexure A-1 transfer order dated 27th November, 2007, whereby she

stood transfer from Thathampally SO to Cherthala Sub Division against a vacant post at Mauamma in the interest of service.

2. Briefly stated, the applicant who started her service as Stamp Vendor was appointed as post woman in 1995 and was working in Alappuzha Bazar Post Office, wherefrom she was transferred to Vandanan Medical College Post Office on 1st January, 2006. At that time she met with an accident and was admitted in Medical College Hospital, Alappuzha where she was in Intensive Care Unit for 18 days. Vide Annexure A-2, the Medical authorities advised her to 'avoid strenuous work in the field'. On her submitting an application, she was, vide Annexure A-3 order dated 15-03-2007 transferred to Thathampally Post Office. During this period, the applicant submitted a representation requesting for a transfer either to Bazar Post Office, Head Post Office, Alappuzha or to Iron Bridge Post Office, Alappuzha. However, the respondents have posted her to Muhamma, vide impugned order, which is under challenge by the applicant on the following grounds:-

- (a) The order impugned is accentuated by malice and is arbitrary.
- (b) The reason for transfer is applicant's request for transfer to some other place. The applicant never sought transfer to Muhamma.
- (c) As per Rule 37 A of the P & T Manual Vol. IV, transfers should not be made during the middle of the academic year.
- (d) The applicant would be in financial difficulties in case she is to serve at Muhamma, as travelling to the new place would cost more money.

3. It has also been alleged by the applicant that when she visited Muhamma post office to join duties, she was prevented from joining there.

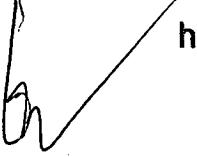
[Signature]

Para 4(6) of the O.A. refers.

4. Respondents have contested the O.A. They have stated that the performance of the applicant is far from satisfactory and innumerable number of postal articles remained undelivered and more often than not, to clear such huge backlogs, they had to engage outsider. They have annexed a number of communications from the authorities at the Office at Alappuzha Sub Division addressed to the S.P.O., from the sub post master Thathampally to ASP, disciplinary proceedings against the applicant, vide Annexure R-1 to R-13. It has been stated that the applicant was relieved from Thathampally Post Office on 01-01-2008 and she visited the Muhamma Post Office and stated that she was on transit. Again, there has been no representation from the applicant against the alleged refusal to entertain her at Muhamma Post Office. The respondents have narrated a number of events which would show that these reveal lack of interest and inefficiency of the applicant in delivering the articles entrusted to her. Details of various penalties imposed and consequent frequent pay fixation have also been referred to by them and related document attached, vide Annexure R-15. Reliance has been placed by the respondents to the decision by the Apex Court in the case of Kendriya Vidyalaya Sangathan vs Damodar Prasad Pandey and others 2007(2) SCC (L&S) 596.

5. Applicant has filed her rejoinder wherein she has stated that the respondents have not denied the fact of the applicant's health condition.

6. Counsel for the applicant submitted that the case of the applicant has not been considered by the respondents in proper perspective. Her



request is for a transfer to a place where the workload is less, because of her health condition, whereas their posting to Muhamma is only to aggravate the situation.

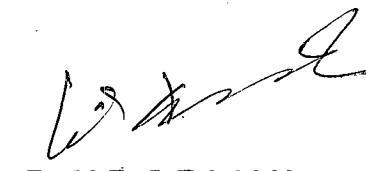
7. Counsel for the respondents has submitted that it is not the prerogative of the applicant to seek a transfer to a particular place. It has also been stated by the counsel for the respondents that the details of Annexure R-1 to R-13 have not been denied in the rejoinder.

8. Arguments were heard and documents perused. If Annexure R-1 to R-13 are to be taken on face value, the efficiency of the applicant is well known. General Public repose confidence on the functioning of the Post Office purely on the ground that those employed therein are willing and sincere workers and they are the trustee of the articles of the general public. If this confidence has to continue, certainly the administration Postal Department should have play at the joints by posting suitable persons to suitable places. What the respondents have done in transferring the applicant is only in administrative exigencies. The applicant cannot have a choice place as and when she feels like. She sought for a transfer on the basis of her health condition and her request was acceded to by posting her to Thathampally Post Office. She cannot seek transfer frequently on health grounds. Again, no valid grounds have been raised in challenging the transfer. There does not appear to be any arbitrariness in the transfer. It is not mandatory that respondents should post the applicant to the place she asks for. Posting during the academic session is normally to be avoided. Again, the applicant has not come out with any fact that her children are school going students. If she could seek a transfer to a place

of her choice during academic session, there is nothing wrong in her being transferred to another place during academic session. The financial loss stated in ground No. G is least relevant or a ground.

9. In view of the above, no case has been made out by the Applicant. The O.A. is dismissed. No cost.

Dated, the 30th September, 2008.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

vs