

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 563 of 1992

DATE OF DECISION 24-11-1992

Mr PC Yohannan _____ Applicant (s)

Mr KS Bahuleyan _____ Advocate for the Applicant (s)

Versus

Director of Postal Services, Respondent (s)
Central Region, o/o PMG, Kochi & 2 others

Mr C Kochunni Nair, ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

~~EXCESSION INDEX NO.~~

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

The applicant, an Assistant Postmaster (Accounts),

Thodupuzha H.P.O. has filed this application under Section 19 of the A.T. Act impugning the order dated 9.4.1992 of Postal Services, Kochi to the extent it relates to the filling up of the vacancy of APM (Accounts), Kochi by posting the third respondent, Smt Raichal Varghese.

2. The facts lie in a narrow compass. When the applicant had completed his tenure as APM (Accounts), Kochi he had indicated in his representation dated 6.6.1991 3 stations of preference in the case of his transfer. They were, Kochi, Alwaye and Muvattupuzha in the order of preference. But by order dated

19.4.1991, the applicant was transferred to Thodupuzha. In obedience to the said order of transfer, the applicant joined at Thodupuzha and made a representation to the First respondent on 6.6.1991 requesting for a transfer to Kochi Headquarters. It was also mentioned in the representation that his request for posting at Alwaye or Muvattupuzha in the event of a posting at Kochi being impracticable, would be treated as current. The first respondent informed the applicant by letter dated 3.7.1991 that his request for transfer has been noted for consideration and that the matter would be considered at the appropriate time. It was thereafter that a vacancy arose in the post of APM(Postal) at the headquarters at Kochi. The third respondent ~~who was promoted as APM(Accounts)~~ was posted in that vacancy by the impugned order at Annexure-A5. It is in these back ground that the applicant has filed this application seeking to quash the impugned order at Annexure-A5 to the extent it relates to the transfer of the third respondent to the post of APM(Accounts) Kochi and for a direction to the first respondent to transfer the applicant as APM(Accounts), Kochi. It has been averred in the application that the posting of the third respondent, ~~a~~ junior as APM(Accounts), Kochi while the request of the applicant for transfer to that station was pending was arbitrary, discriminatory and illegal.

2. By the interim order dated 1.5.1992, the posting of the third respondent as APM(Accounts), Kochi was stayed. The third respondent though served with notice, did not appear.

3. In the reply statement, the respondents have contended that as the third respondent was promoted to the post of APM (Accounts) she was posted by the impugned order to the vacant post at Kochi. Regarding the claim of the applicant to be posted at Kochi, the respondents contend that one Shri PP Thomas, presently working as APM(Accounts), Alwaye has requested for a transfer to Kochi earlier than the applicant and that it would be possible to accommodate the applicant as APM(Accounts), ^{second}.
At Alwaye the place of his choice. However, it has been contended that the applicant has no legal right/that he should be posted to any particular post or station. It has also been contended that the applicant has not even completed a term of one year at Thodupuzha.

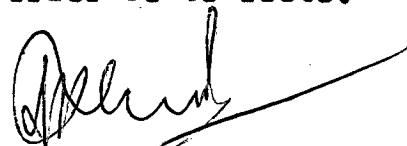
4. In the rejoinder, the applicant has stated that if as a matter of fact the respondents ^{1&2} wanted to post Shri Thomas at Kochi, they ~~respondents~~ would not have issued the impugned order at Annexure-A5, posting the third respondent at Kochi and that this exposes the hollowness of the respondents contention.

5. Having heard the learned counsel on either side and having given the pleadings and documents my anxious consideration, I am of the view that the applicant should rest contended with the offer made in the reply statement that he would be accommodated at Alwaye. The applicant who is holding a transferable post has no legal right to claim to be posted at a particular place or in a particular post. There is no case for the applicant that the first respondent has any personal illwill

towards the applicant and that the impugned order at Annexure-A5 was issued on account of that personal illwill to see that the applicant does not get the place of his choice. I am convinced that in a case like this, judicial intervention in routine administrative matters like postings of officers is not at all warranted. Therefore, I do not find any ground to interfere with the impugned order at Annexure-A5.

6. Though the applicant is not entitled to get the impugned order at Annexure-A5 set aside in the light of the statement made by the respondents 1&2 in their reply statement that it would be feasible to transfer the applicant to Alwaye as APM(Accounts) in the place of Shri PP Thomas who would be transferred to Kochi, I am of the view that the application can be disposed of with a direction to carry out this offer within a reasonable time.

7. In the result, the application is disposed of with a direction to respondents 1&2 to consider posting the applicant at Alwaye as proposed by them in the reply statement and to issue orders in regard, ^{that} ~~textmaxx~~ within a period of one month from the date of communication of this. The interim order regarding the posting of the third respondent to Kochi stands vacated. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER
24-11-1992

trs