

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 66/2003

Wednesday, this the 29th day of January, 2003.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

A. Sasidharan,
B-23, Postal Staff Quarters,
Kesavadasapuram,
Trivandrum-695004.

... Applicant

(By Advocate Mr. K. Gopalan)

Vs

1. The Director of Postal Services,
O/o the Chief Post Master General,
Trivandrum-695033.
2. The Senior Superintendent - RMS,
Trivandrum Division,
Trivandrum-695033.
3. The Deputy Superintendent - RMS,
Trivandrum Division,
Trivandrum-695033.
4. The Head Record Officer,
RMS - Trivandrum Division,
Trivandrum-695033.
5. Union of India rep. by the
Secretary,
Department of Posts,
Ministry of Communications,
Government of India,
New Delhi.
6. Mr. P. Gopalakrishnan,
Sorting Assistant,
Head Record Office,
RMS - Trivandrum,
Trivandrum-695033.

Respondents

(Mr.M.Rajendra Kumar, ACGSC (R1-5)

The application having been heard on 29.1.2003, the
Tribunal on the same day delivered the following :

ORDER

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

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The applicant who was working as Sorting Assistant, Trivandrum was by Annexure A1 order dated 7.1.2002 transferred and posted as Sorting Assistant, SRO, Kollam. He challenged the order of transfer in OA No.365/02 on the ground that he being an office bearer of the Employees Union, was immune from transfer liability. However, the OA was rejected. Thereafter, the applicant submitted Annexure A3 representation to the 1st respondent stating that the transfer had caused him difficulties, that his son is studying in College at Trivandrum and that he may be permitted to continue in Trivandrum till the completion of the academic year. He also sought leave. In reply to the above representation made to the 1st respondent, he was informed by Annexure A4 dated 9.12.2002 issued by the 4th respondent that his request was considered and was found not feasible to retain him in Trivandrum till the end of the academic year. He was also informed that there was no leave at his credit.

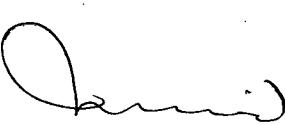
2. Alleging that Annexure A.4 order was made without keeping in view the direction in Annexure A.6 letter of the Minister which calls for a fresh consideration when representations are received from members of the SC/ST the applicant has filed this application seeking to set aside Annexure A4 and for a direction to the 1st respondent to consider Annexure A3 representation afresh in the light of Annexure A.6. The applicant has also impleaded the sixth respondent alleging that the official respondents delayed applicant's posting while they posted the 6th respondent earlier as Sorting Assistant.

3. We have gone through the application and have heard Shri K. Gopalan, the learned counsel for the applicant and Shri Rajendra Kumar, the learned counsel for the respondents 1 to 5.

4. The applicant earlier filed OA 365/2002 impugning the Annexure.A1 order by which he was transferred from Trivandrum claiming immunity from transfer. Finding that he was not entitled to any such protection, the OA was dismissed. Thereafter the applicant made Annexure.A3 representation on other grounds of personal inconvenience and sought retention at Trivandrum. The competent authority considered the request and did not accede to it as it was found not feasible. As the order is not vitiated by malafides or arbitrariness, for no malafides is even alleged, we find no reason for judicial intervention in the routine administrative matters. Annexure.A.6 letter has nothing to do with the issue involved in this case. The sixth respondent has been impleaded unnecessarily.

4. In the light of what is stated above, finding nothing in this OA which requires its admission and further deliberation, the OA is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated 29th January, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN