

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.179/98

Wednesday, the 4th day of February, 1998.

CORAM: HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

T. Aboobacker
Group 'D' Tirurangadi (on leave)
Dayamandir, Kannattipadi P.O.,
Malappuram District. ...Applicant.

(By advocate: M/s Santosh & Rajan)

Versus

1. Union of India represented by the
Secretary, Ministry of Communication
New Delhi.
2. The Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
3. The Postmaster General
Northern Region, Kozhikode.
4. The Director of Postal Services
Northern Region, Kozhikode.
5. The Superintendent of Post offices
Tirur Division, Tirur.
6. The Sub Divisional Inspector of Posts
Kottakkal Sub Division, Kottakkal. .. Respondents.

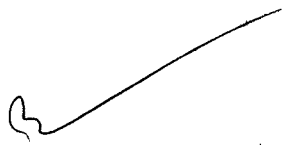
(By advocate: Mr M.H.J. David J, ACGSC)

The application having been heard on 4.2.1998, 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 working as a Group 'D' official
at Tirurangadi and presently on leave, was transferred
to Vengara by order dated 9.5.97 (Annexure A-6).
Aggrieved by that, the applicant filed a representation
to the Post Master General for cancelling his transfer
order, but finding no response, he filed OA No.1413/97.
As agreed to by counsel on either side, the OA No. 1413/97
was disposed of with a direction to the third respondent,
i.e. the Post Master General, to consider the representation
of the applicant and dispose it of with a speaking order



within two weeks from the date of receipt of that order. Pursuant to the above directions, the third respondent, i.e. the Post Master General had issued an order dated 22.12.97 (Annexure A-11) rejecting his request for cancellation of his transfer. It is aggrieved by this that the applicant has filed this application.

2. The applicant has averred that for an alleged misconduct, after serving notice under rule 16 of the CCS (CCA) Rules, 1965, a penalty of withholding of one increment for a period of 3 years without cumulative effect was imposed on him, that the punishment was reduced to six months from three years by the appellate authority and that, in addition to that, as a punitive measure, the applicant has been transferred from Tirurangadi to Vengara. It is further alleged that the applicant having got a little more than three years to reach his superannuation and being a physically handicapped person, finds it difficult to perform his duties at Vengara and, therefore, the impugned order of the third respondent is bereft of application of mind. It has also been stated in the application that though in the impugned order at Annexure A-6 it is mentioned that the transfer is at his request, since he has not made any such request, the order is unsustainable.

3. We have gone through the application and the order at Annexure A-6. The representation of the applicant has been considered very elaborately and the order rejecting his request for cancellation of his transfer is rather very articulate. While declining to cancel the order of transfer, the third respondent has stated that if the



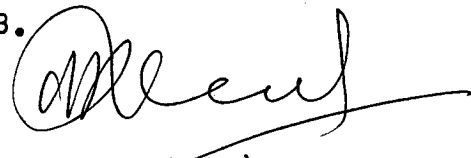
applicant finds any genuine difficulties in performing his duties at the present station, he is free to make representation for transfer to any other office, after giving effect to the orders of transfer and that such representation will receive due consideration by the competent authority.

4. We are of the considered view that the impugned order is cogent, convincing and meets all the points raised in the representation made by the applicant. It has been made clear in the order that the transfer of the applicant was made on administrative grounds as the continuance of the applicant in that station would affect the discipline of the establishment. It is important that the competent authority in the Department should have the authority to deploy his staff, taking into account the administrative needs, the overall smooth functioning of the office and maintenance of discipline. Judicial intervention in matters of transfer on this account cannot be justified unless there is sufficient proof to establish that the order is vitiated by malafides or any such vitiating factors. We find that the third respondent has been very reasonable in concluding his order by stating that if representation is received after giving effect to the transfer order, the same would receive due consideration.

5. In the light of what is stated above, we find nothing which needs further deliberation. The application is, therefore, rejected under Section 19 of the Administrative Tribunals Act.

Dated the 4th day of February 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A6: Order No.G1/2 dated 9.5.97 of the 6th respondent.
2. Annexure A11: Order No.Staff/30-23/97 dated CT-673 011 the 22.12.97 of the 3rd respondent.
