

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.275/95

Tuesday this the 7th day of March, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

V.Mukundan,
Postman,
Panamaram,
Wayanad,
Vazhayil House,
Panamaram P.O. Applicant

(By Advocate Mr.M.R.Rajendran Nair)

vs.

1. The Sub Divisional Inspector(Postal),
Mananthavady Sub Division,
Mananthavady.
2. The Superintendent of Post Offices,
Tellicherry Division.
3. The Director of Postal Services,
Office of the Post Master General,
Kozhikode.
4. P.T.Mathew, Postman ,Nadavayal. Respondents

(By Advocate Mr. Bahuleyan for SCGSC) (R1-3)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant challenges an order of transfer on the ground that it is engineered into existence by certain persons who are not well disposed towards him.

In answer, respondents would submit that there were 'lapses' on the part of applicant and that there was 'public grievances'. These are indefinite expressions which are often used as a cover. Applicant would submit that the persons ill-disposed towards him obtained signatures on blank papers from the local people, making them believe that the signatures were subscribed to a memorandum for the construction of a road. Applicant submits that many of the signatories realising that they had been misled, had informed the

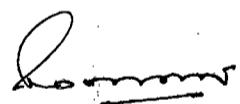
authorities that they did not subscribe their signatures in any petition against applicant.

The stand of the department is that transfer is on account of complaints. It is settled law that a punishment in disguise is still a punishment, and that it cannot be imposed without following the procedure therefor.

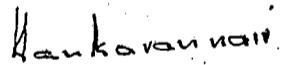
Without expressing any opinion on the merits, we direct the second respondent Superintendent of Post Offices to enquire into the matter with notice to applicant. If there are cogent reasons for transferring the applicant, the department will be free to do so. But they must make ~~it~~ sure that they are not acting on material which is not genuine. The impugned orders will be held in abeyance until the Superintendent of Post Offices enquires into the matter and takes a proper decision.

We allow the application with the aforesaid directions. No costs.

Dated the 7th March, 1995.



S.P.BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN