

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.292/97

Wednesday, this the 30th day of April, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

AR Unnikrishnan Nair,
Postman,
Chepparampadava Post Office,
Taliparamba Sub Division,
Chepparampadava PO, Kannur Dist.

....Applicant

By Advocate Shri PK Ravisanker.

VS

1. The Superintendent of Post Offices,
Kannur Division, Kannur PO.
2. The Sub Divisional Inspector of Post Offices,
Taliparamba Sub Division, Taliparamba PO.
3. The Postmaster General,
Northern Region, Kozhikode--673 011.
4. CV Damodaran, Postman,
Kalliasery Post Office,
Kalliasery PO, Kannur.

....Respondents

R.1-3 by Shri James Kurian, Addl Central Govt Standing Counsel.
R.4 by Advocate Shri OV Radhakrishnan.

The application having been heard on 24th April, 1997,
the Tribunal delivered the following on 30th April, 97:

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, while working as a Postman in Payyannur Sub Division, was transferred to Taliparamba Sub Division on request by A.1 order dated 16.2.96. On his request, he was then posted as Postman, Chepparampadavu on 5.3.96. By A.3 order dated 27.3.96, the fourth respondent was transferred from Kannur Sub Division to Taliparamba Sub Division under Rule 38 of P & T Manual

contd.

Vol IV, with effect from 2.4.96 and posted at Chepparapadava, relieving applicant. Applicant represented against this and by A.5 orders dated 13.5.96, the first respondent set aside the posting of the fourth respondent on the ground that the request of the fourth respondent was dated 27.12.95 on which date he had not even joined the Taliparamba Sub Division and, therefore, the request was not valid. Apprehending that A.5 would be reversed, applicant filed OA 1502/96 which was dismissed by the Tribunal as premature. Thereafter, by A.8 memo dated 20.2.97, applicant was transferred to Kalliaseri in place of the fourth respondent who was transferred to Chepparapadava as directed by the third respondent. Applicant challenges A.8 on the ground that fourth respondent is junior, that the request of the applicant for the post is prior to that of the fourth respondent, that third respondent has no jurisdiction to direct the first respondent to issue the A.8 order, that the first respondent acted under dictation to reverse his own earlier orders and that the Rule 38 transfer of the fourth respondent is from one Sub Division to another and cannot be to a particular post for which he has to make a request only after joining the new Sub Division. Applicant prays that A.8 order be quashed.

2. Respondents 1 to 3 state that the fourth respondent should have been transferred to Taliparamba Sub Division before the applicant as the request for such transfer was made by the fourth respondent on 18.7.95 as against the request of the applicant on 30.10.95, and so the fourth respondent was posted to Chepparapadava. Third respondent is competent to issue directions to the first respondent on the representation R.1 made to him by the fourth respondent, submit respondents 1 to 3.

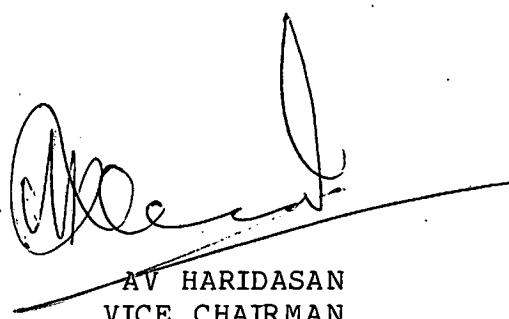
contd.

3. It is seen from R.1 that the fourth respondent had made a request for the transfer to Taliparamba Sub Division on 18.7.95, and thereafter on 29.11.95 and 27.12.95 for a posting to Chepparapadava. These requests were made prior to the applicant's transfer to Taliparamba Sub Division on 5.3.96. The first respondent being the appointing authority for Postmen throughout the Division, he should have correctly placed the fourth respondent on a higher priority than the applicant as the request of the fourth respondent was received by him before that of the applicant and when R.1 representation was received by the third respondent, he only pointed out the error in the A.5 orders which was set right by the first respondent. This is in exercise of the administrative control of the third respondent. The first respondent cannot be described as "a statutory transferring authority" in order to attract the challenge that he was acting under dictation. Transfers are made in administrative interest following guidelines laid down and the higher administrative authorities are well within their jurisdiction when they instruct subordinate officers on the procedure to be followed in effecting transfers. No mala fides have been alleged and no legal rights can be discerned in these areas in the applicant.

4. We do not see any reason to interfere with A.8 orders. The application is dismissed. No costs.

Dated the 30th April, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A1: True photo copy of Order No.B2/ATT dated 16.2.96 of the Ist respondent.
 2. Annexure A3: True photo copy of Order No.B2/5/00 dated 27.3.1996 of the Ist respondent.
 3. Annexure A5: True photo copy of Memo No.B2/5/00 dated 13.5.1996 issued by the Ist respondent.
 4. Annexure A8: True photo copy of Memo No.B2/5/00 dated 20.2.97 issued by the Ist respondent.
 5. Annexure R1: True copy of the representation submitted by the 4th respondent to the 3rd respondent dt. 27.9.1996
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