

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.314/2002

Thursday, this the 5th day of June, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

C.N.Shaji,  
Postal Assistant,  
Peerumedu Post Office,  
Idukki Division. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Superintendent of Post Offices,  
Idukki Division,  
Thodupuzha.
2. The Post Master General,  
Central Region,  
Kochi-682 016.
3. The Chief Post Master General,  
Kerala Circle,  
Trivandrum.
4. Union of India represented by  
its Secretary to Government of India,  
Department of Posts,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mrs P Vani, ACGSC

The application having been heard on 5.6.2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Postal Assistant under the Idukki Division, has filed this application, aggrieved by order dated 9.4.2002, an order of general transfer by which he has been

transferred from Peermade to Kattappana. It is alleged in the application that the applicant had been working in Peermade, a hard station for 4 years and that his transfer to another non-popular station at Kattappana is against the norms contained in the transfer policy. The applicant has also alleged that certain persons whose names are given in Para 4.4 of the application had all along been posted in convenient places and were never posted in non-popular station and therefore, the posting of the applicant from a nonpopular station to another nonpopular station is arbitrary and discriminatory. With these allegations, the applicant has filed this application seeking to have the impugned order set aside to the extent of his transfer from Peermade to Kattappana.

2. Respondents in their reply statement contend that the applicant while working in Thiruvalla was given a transfer under Rule 38 to Idukki Division and posted in Peermade in 1998 and on completion of tenure there, he has been transferred to Kattappana and that he could not be accommodated in the place of his choice as there was no vacancy. The allegation that the applicant has been discriminated and that the persons whose names are given in Para 4.4 had all along been posted in convenient places and never in non-popular station is refuted by the respondents. The respondents contend that the transfer of the applicant has been done in public interest, and they pray that the impugned order may not be interfered with.



3. Having perused the pleadings and other material placed on record and having heard the learned counsel on either side, we find no infirmity with the impugned order. The applicant, who was working at Thiruvalla got a transfer to Peermade which is a hard station under Rule 38. In the places indicated in his representation for posting, there was no vacancy. The respondents, therefore, had no option, but to transfer the applicant to Kattappana where a vacancy is available. In the circumstances, we do not find any reason for judicial intervention. The application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 5th June, 2002.



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the order No.81/15/DLGS/VII dated 9.4.02 issued by the 1st respondent.
2. A-2 : True copy of the representation dated 15.1.2002 submitted by the applicant to the 1st respondent.
3. A-3 : True copy of the representation dated 10.4.2002 made by the applicant before the 2nd respondent.
4. A-4 : True copy of the relevant extract of DG P&T letter No. 69/4/79 SPBI dated 2.11.81 orders regulating rotational transfers.
5. A-5 : True copy of the minutes of the by monthly meeting held on 22.2.2002 between 2nd respondent and the Union representatives.

Respondents' Annexures:

1. R-1 : True copy of the Guide lines No.141-35/2001-SPB.II by Ministry of Communications, Department of Posts dated 11.4.2001.

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12.6.02