

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.315/2002

Wednesday, 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

K.K.Rajendran,
Postal Assistant,
Nedumkandam Post Office,
Idukki Division. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Superintendent of Post Offices,
Idukkki 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 Mr PMM Najeeb Khan, 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 challenging the order dated 9.4.2002, an order of general transfer of Postal

Assistants to the extent of his transfer from Nedumkandam to Kattappana. The applicant came to be posted in Nedumkandam in Idukki Division on mutual transfer in the year 1997. Although he had indicated Thodupuzha, Muttom, Moolamattom or Karimannoor as his choice station for transfer, he has been transferred to Kattappana which is again a hard station. Alleging that persons whose names mentioned in Para 4.4 of the application are favoured by continuous postings in popular stations and that the applicant has been unjustifiably transferred to a hard station, the applicant has filed this application seeking to have the impugned order set aside to the extent it affects him and for a direction to the respondents to consider his representation A-3 and to transfer him to Thodupuzha or Muttam or Karimannur or Moolamattom.

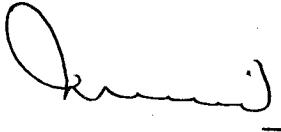
2. The counsel for the respondents under instructions, states that as the applicant has been in the Division only for the last 5 years and as it was found that without disturbing the incumbents in the stations mentioned in the representation of the applicant, the applicant could not be accommodated, he was transferred to Kattappana where there was a clear vacancy.

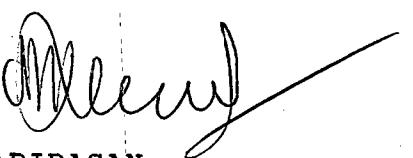
3. On a consideration of the facts and circumstances emerging from the application and the submission of the learned counsel on either side, we do not find any reason for judicial interference in the matter. Transfer is an incident

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of service. Unless malafide or total arbitrariness is alleged, judicial intervention is not called for. We therefore refuse to exercise jurisdiction in the matter. The application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, 5th June, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.81/15/DLGS/VII dated 9.4.2002 issued by the 1st respondent.
2. A-2 : True copy of the representation dated 4.1.2002 submitted by the applicant to the 1st respondent.
3. A-3 : True copy of the representation dated 12.4.2002 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.

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