

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCHO. A. No.
378

378

1992

DATE OF DECISION 20-4-92

Smt. K.N. Pushavally Applicant (s)

Shri P.V. Narayana Nambiar Advocate for the Applicant (s)

Versus

Senior Supdt. of Post Offices,
Ernakulam Division, Kochi and 2 others Respondent (s)Shri K.A. Cherian for R- 1 & 3 Advocate for the Respondent (s)
Shri O.V. Radhakrishnan, for R-2

CORAM :

The Hon'ble Mr. N. Dharmadan, Member (Judicial)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENTN. Dharmadan, M(J)

The applicant is working in the Postal Department under the first respondent. She challenges Annexure-I transfer order by which she has been transferred from Thevara Post Office to Cochin Foreign Post Office, within a radius of 5 kilo meteres.

2. Her case is that she came to Thevara Post Office based on her request only in June 1991. She is occupying quarters at Thevara. Her children are studying in the Schools at Thevara near the Post Office and she is entitled to continue at Thevara Post Office for next four years. She

further alleges that the present transfer had been effected on account of the influence exerted by the second respondent on the first respondent and hence the order is malafide and arbitrary.

3. The first respondent filed a reply statement stating that the transfer order has been passed in exigency of service only to avoid further trouble^b in the functioning of the Post Office at Thevara. There were number of complaints against the applicant. Hence an enquiry has been conducted through Shri T.M. Mathew, Deputy Superintendent of Post Office on the alleged complaints. On the basis of the report ^b of the transfer of the applicant has become inevitable for the smooth functioning of the Post Office. Annexure-R-I is the report, the portion of which reads as follows:

"There are now two options for the smooth running of the Office that

- (i) transfer the SPM from the post
- (ii) transfer the whole staff.

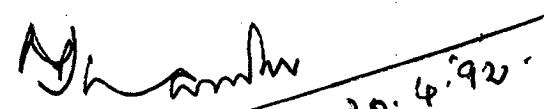
The second option being quite impracticable we may first shift the SPM from the post. She is unfit to hold independent charge of an office."

4. I have heard the arguments and considered the documents carefully. The main grievance of the applicant against the transfer is that it would affect the studies of her children and she will be deprived of her present residential accommodation provided at Thevara. These grounds cannot be entertained for sustaining the challenge against a transfer effected in exigencies of service. Since

the examinations of her children have been already concluded, there is no necessity for the applicant to continue at Thevara. The present transfer from Thevara Post Office to Cochin Foreign Post Office within a radius of 5 Kilometeres will not in any way ~~create~~ ^{cause} any hardship to her as contended in the application.

5. Even though the applicant has alleged malafides against the order of transfer stating that the impugned order was passed as a result of pressure exerted by the second respondent on the first respondent, I am not able to sustain it. No materials are produced to substantiate this contention. On the other hand Exhibit R-I report produced by the respondents along the reply statement clearly indicates that the applicant cannot be allowed to continue in the Post Office at Thevara. It is only for the smooth functioning of the Post Office at Thevara that the transfer of the applicant has been effected. As indicated above the transfer does not cause any hardship ^{for the} applicant.

6. In view of the facts and circumstances of the case, I see no merit in this case and it is only to be dismissed. Accordingly, I do so. There will be no order as to costs.


(N. Dharmadan)
Member (Judicial)
20-4-92