

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 411 of 1995

Monday, this the 28th day of August, 1995

CORAM:

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. PR Prabhakaran Nair,
S/o G Raman Pillai,
Higher Selection Grade-II,
Accounts Supervisor,
Head Record Office, Railway Mail Service,
'C.T.' Division, Calicut. .. Applicant

By Advocate Mr. PV Mohanan

Vs.

1. The Director General,
Department of Posts, New Delhi.
2. The Chief Post Master General,
Kerala Circle,
Trivandrum.
3. PK Yohannan,
Accounts Supervisor,
Head Record Office, Railway Mail Service,
E.K. Division, Cochin.
4. P Bhargavan Nair,
Accounts Supervisor,
Head Record Office, Railway Mail Service,
E.K. Division, Cochin. .. Respondents

By Advocates Mr. Varghese P Thomas, ACGSC (R1-2)
Mr. B Gopakumar (R3) and Mr. OV Radhakrishnan (R4)

The application having been heard on 28th August, 1995,
the Tribunal on the same day delivered the following:

ORDER

SP BISWAS, ADMINISTRATIVE MEMBER

Applicant, a Higher Selection Grade-II Accounts Supervisor of RMS, Calicut, is aggrieved by A4 orders of 2nd respondent by which the orders issued earlier vide A1 and A2 transferring him to Cochin vice 4th respondent stands cancelled. Applicant contends that action of 2nd respondent is illegal and based on extraneous Considerations.

2. Heard counsel for all the parties at great length. Additional Central Government Standing Counsel appearing on behalf of respondents 1 and 2 submitted that the applicant's A5 representation dated 4-11-1994 has since been disposed of in the meanwhile. A copy was also shown. Standing Counsel was directed to submit a copy of the same with a memo and that will form part of the records. Counsel for applicant who argued the case vehemently would submit that the applicant's claim for transfer to Cochin, on the grounds mentioned in the A5 representation, still remains unanswered. Counsel also contended that the divisionalisation scheme introduced from 8-6-1994 does not prevent the respondents from considering his case within the circle, and that this scheme cannot be implemented with retrospective effect as his case was considered well before the above mentioned scheme came into operation. Counsel for respondents 3 and 4 argued that as per executive instructions issued under the new divisionalisation scheme, they (respondents 3 and 4) are not liable to be transferred.

3. Who should be transferred where and when are matters to be looked into by the administrative authorities. Courts and Tribunals are not to interfere with such matters. Even the guidelines issued by the executive authorities for consideration on appeals against transfers does not confer upon the Government employees any legally enforceable right. If any authority is required for this proposition, it is available in the decisions of the Apex Court in Union of India & Others Vs. SL Abbas (AIR 1993 SC 2444), NK Singh Vs. Union of India & Others (1994 (6) SCC 98) and Civil Appeal No. 1285 in the case of State of Madhya Pradesh & Another Vs. SS Kourav & Others, decided by the Supreme Court on 19-1-1995.

4. Keeping in view of the circumstances mentioned above, the applicant may make a fresh representation before the first

respondent, setting out his grievances in the light of new orders, for reconsideration within a period of fifteen days from today. If such a representation is made, first respondent Director General/Posts will consider the same sympathetically and pass appropriate reasoned orders thereon within two months from the date of receipt of the representation and communicate the same to applicant.

5. This Tribunal would make it clear that it has not offered any comments on the merit of the case and that this direction will not confer a fresh cause of action on the applicant.

6. The application is disposed of as aforesaid. No costs.

Dated the 28th August, 1995



S.P. BISWAS
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure A-1: True copy of the proceedings No.ST/18/1594 dated 27.4.1994 issued by 2nd respondent.
2. Annexure A-2: True copy of the Proceedings No.ST/42-35/86 dated 4.5.1994 issued by 2nd respondent.
3. Annexure A-4: True copy of Proceedings No.ST/120/17/93 dated 6.10.1994 issued by 2nd respondent.
4. Annexure A-5: True copy of the representation by the applicant to 1st respondent dated 4.11.1994.