

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.343/2006

This the 11th day of February 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Rakesh Kumar Srivastava, aged about 48 years, son of Sri S.P. Srivastava, at present working as Postal Assistant (SBCO), Chowk Head Post Office, Lucknow.

...Applicants.

By Advocate: Shri Surendran P.

Versus.

1. Union of India through the Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director of Postal Services (HQ), Office of CPMG, U.P. Circle, Lucknow.
4. Senior Superintendent of Post Offices, Lucknow.
5. Senior Post Master, Head Post Office, Chowk, Lucknow.

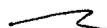
... Respondents.

By Advocate: Shri K.K. Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard, Shri Surendran P, the learned counsel for the applicant and Shri K.K. Shukla the learned counsel for the respondents.



2. The applicant has filed this OA to quash the transfer order covered under Annexure-A-1 dated 13.06.2006, wherein the applicant was transferred from out of Lucknow Region to Allahabad Region on the ground that the same is against the direction of the respondent authorities covered under Annexure-2 dated 02.03.2000 and Annexure-3 dated 01.07.2000 as he has not completed his tenure of six years. He also further stated that no reasons are assigned for his transfer from one region to other region, which is against the direction of the respondent authorities.

3. The respondent have filed Counter Affidavit, denying the claim of the applicant and stated that his transfer was made by the competent authority after considering exigency of service and as well as shortage of PA of SBCO Staff, Allahabad Region.

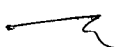
4. The applicant also filed Rejoinder Affidavit, denying the stand taken by the respondents and further stated that no specific grounds are shown in the transfer order and further, it has been issued by an authority, who have no jurisdiction or power.

5. The respondents have also filed Supplementary Counter Affidavit, denying the pleas taken by the applicant in his Rejoinder Affidavit.

6. Heard both sides.


7. The point for consideration is whether the applicant is entitled for the relief as prayed for.

8. The admitted facts of the case are that the applicant who has been working as Postal Assistant (SBCO), Chowk Head Post



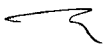
Officer, Lucknow was transferred out of Lucknow Region to Allahabad Region against vacant post at Serial No.3 in Part -'C' of the transfer order dated 13.06.2006 covered under Annexure-1. It also shows the name of the applicant in inter regional transfer. Earlier to this, the applicant was transferred from Sitapur to Lucknow in the year 2002 and after completion of four years, he has been transferred covered under Annexure-A-1. Immediately, after the transfer, the applicant made his representation for consideration. Annexure-4 dated 14.6.2006 is the copy of such representation.

9. Annexure-2 dated 02.03.2000 issued by D.G. Post letter in respect of rotational transfers of SBCO Staff, which shows their decision that 2-3 HPOs as far as contiguous as possible should be grouped together and SBCO Staff transferred to such Grouped together and the SBCO staff transferred to such group of HPOs after they complete their prescribed tenure. It also shows that the HPOs grouped together as above on the principle of contiguity should be as far as possible within a Division and if not within the Region. However, as envisaged in this department's orders dated 30.03.1999, any transfer outside a Region should be done only with the concurrence of the Head of the Circle and on specific administrative grounds only. It is also stated that while considering the rotational transfers of SBCO staff in groups of HPOs consideration is given first to the pending requests of the officials for transfer from suburban areas and unpopular stations to the city divisions and more popular areas.



10. It is also not in dispute that Region of Lucknow and Region of Allahabad are entirely different. It is the case of the applicant that he has been transferred from Lucknow Region to Allahabad Region and no reasons are assigned for Regional transfer as required under Annexure-2 D.G. Post letter. He also raised objections that the transfer outside the Region should be done only with the concurrence of the Head of the Circle and on specific administrative grounds only but no such concurrence was taken by the respondents.

11. In respect of Regional transfers the recital of Annexure-2 DG Post letter clearly shows that any transfer outside a Region should be done only with the concurrence of the Head of the Circle and on specific administrative grounds only. But in the instant case, no particulars are given in the transfer order Annexure-A-1 and also there is no reference of any grounds for shifting the applicants from Lucknow Region to Allahabad Region, which itself shows that the transfer of the applicant from one region to another region is without any reason. It is also the contention of the applicant that before making Regional transfers, the Respondent No.2 has not taken any concurrence of the Head of Circle. Though, the respondents contended that the transfer order has been issued by competent authority but they have not furnished any such details and also not placed any material in respect of the Respondent No.2 had opted concurrence of Head of Circle as required under Annexure-2. This also goes to show that the transfer of the applicant from



Lucknow Region to Allahabad Region is made without any concurrence of the Head of Circle.

12. The applicant also relied on the decision in OA No.294/2006 dated 02.08.2006 on the file of this Tribunal relating to A.K. Shukla, who has been transferred alongwith this applicant covered under Annexure-A-1 impugned proceedings and the same was allowed by this Tribunal. The facts and ground of this case and also in O.A.No.294/2006 are also similar, which also supports the claim of the applicant for quashing the impugned order transferring him from Lucknow Region to Allahabad Region without any specific reasons and without obtaining concurrence of Head of Circle.

13. In view of the above circumstances, the applicant has proved his claim in challenging the impugned transfer order covered under Annexure-1 dated 13.06.2006, transferring him from Lucknow Region to Allahabad Region and as such the said order is set-aside.

In the result, OA is allowed. No costs.


(M. KANTHAIYAH)
MEMBER (J)

11-02-2008

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