

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

8/1

T.A. No. 1114 of 1987 (L) Date of decision: 21.5.1990
(Writ Petition No. 425/83)

Abdul Aziz Khan .. Applicant.

Vs.

Union of India & others ... Respondents

PRESENT

None for the applicant.

Shri V.K. Choudhary, Counsel for the respondents.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

Hon'ble Shri D.K. Aggarwal, Member (Judicial).

(Judgment of the Bench delivered by
Hon'ble Shri B.C. Mathur, Vice-Chairman (A))

Writ Petition No. 425 of 1983 has come on transfer from the High Court of Judicature at Allahabad (Lucknow Bench) to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

2. The main grievance of the petitioner is against his transfer from the post of Asstt. Post Master, Rae Bareilly, to Lucknow Division vide order dated 2.7.1982 of the Director of Postal Services, Lucknow, on administrative grounds (Annexures III and IV to the petition). His grievance also includes his non-promotion, fixation of seniority and pay and annual increments (Annexures 5, 6 and 7 to the petition). He has prayed for mandamus directing the respondents to dispose of his representations contained in Annexures 5, 6 and 7. of the petition.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

8/1

T.A. No. 1114 of 1987 (L) Date of decision: 21.5.1990
(Writ Petition No. 425/83)

Abdul Aziz Khan .. Applicant.

Vs.

Union of India & others ... Respondents

PRESENT

None for the applicant.

Shri V.K. Choudhary, Counsel for the respondents.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

Hon'ble Shri D.K. Aggarwal, Member (Judicial).

(Judgment of the Bench delivered by
Hon'ble Shri B.C. Mathur, Vice-Chairman (A))

Writ Petition No. 425 of 1983 has come on transfer from the High Court of Judicature at Allahabad (Lucknow Bench) to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

2. The main grievance of the petitioner is against his transfer from the post of Asstt. Post Master, Rae Bareilly, to Lucknow Division vide order dated 2.7.1982 of the Director of Postal Services, Lucknow, on administrative grounds (Annexures III and IV to the petition). His grievance also includes his non-promotion, fixation of seniority and pay and annual increments (Annexures 5, 6 and 7 to the petition). He has prayed for mandamus directing the respondents to dispose of his representations contained in Annexures 5, 6 and 7. of the petition.

3. As far as the question of transfer is concerned, the learned counsel for the respondents pointed out that the prayer has become infructuous as the petitioner has already joined at Malihabad in Lucknow Division. Even otherwise, the petitioner being on a transferable post and having been transferred on administrative grounds cannot challenge his transfer. It is quite clear that as the applicant has already joined the Lucknow Division and as there has been no malafide or violation of any statutory rules, the question of cancellation of the transfer orders does not arise. As far the fixation of his pay etc. are concerned, the petitioner had asked that the opposite parties should be directed to dispose of his representations contained in Annexures 5, 6 and 7 of the petition. Our attention was drawn to paras 11 and 15 of the counter affidavit filed by the respondents where orders have already been passed disposing of the representations of the petitioner. His pay has also been fixed as stated in para 15 of the counter filed by the respondents.

4. The applicant was not present today to argue his case but since the reliefs claimed by him have become infructuous, we see no reason to allow any part of the petition. The petition is, therefore, dismissed without any orders as to cost.

D.K. Agarwal

(D.K. Agarwal)
Member (J)
21.5.90

B.C. Mathur
(B.C. Mathur)
Vice-Chairman (A)
21.5.90