

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No.276/87

Smt.K.N.K.Karthiayani
Flat No.5,
Prafulla Bhawan,
Worli Naka P.O.Building,
Worli,
Bombay - 400 018.

... Applicant

v/s.

1. The Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi - 110 001.

2. The Dy.Director General(Personnel),
Department of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi - 110 001.

3. The Post Master General,
Maharashtra Circle,
2nd Floor, Old GPO Building,
Bombay - 400 001.

... Respondents.

Coram: Hon'ble Vice-Chairman B.C.Gadgil
Hon'ble Member(A)L.H.A.Rego

Appearance:

1. Applicant in person.
2. Mr.M.I.Sethna
Counsel for the
Respondents.

ORAL JUDGMENT

Date: 6-5-1987

(Per B.C.Gadgil,Vice-Chairman)

Heard the applicant in person and Mr.M.I.Sethna for the Respondents about admission of the application and also about the vacating or confirmation of the interim relief.

2. The applicant is in the Postal service. She is a Class-I Officer. From 1983 June she has been working as Director Postal Service, Head Quarters, in Bombay. Prior to that, she was in Bombay from 1976 to 1982. On 30th March, 1987 the Govt. issued transfer orders (vide Exhibit 'F' to the petition) whereunder, 12 officers have been transferred to various places

from their respective posting. The applicant has been transferred to Bhopal as Director of Postal Services (Vigilance) M.P.Circle,Bhopal. This order was subsequently modified. So far as the applicant is concerned the said modification is at Exhibit 'H' of the petition dtd.14th April,1987 whereunder, the applicant has been transferred to Ahmedabad vice Mr.K.C.V.Nayar transferred to Bhopal.

3. The applicant has filed the present application challenging the said transfer order mainly on grounds of family difficulties. She submitted that her husband is serving with Mazgaon Docks at Bombay, and that according to the general guidelines and policy of Government, if both and wife are in Govt. service, they should be posted at the same station so that they could live together. In addition she alleged that her husband is suffering from blood pressure. For the above reasons she prayed that she may be retained in Bombay. Besides, she stated that she had to look after her aged mother, 69 years old. The applicant's two children are studying in Bombay and their education ~~will~~ would suffer in case the applicant is transferred. These are the main grounds that have been raised in the application.

4. The applicant reiterated the above grounds in pleading for her continuance in Bombay. Mr.Sethna submitted that the transfer order dtd. 30th March,1987 was issued on administrative grounds and was not tainted by malafides. Further, Mr.V.Krishnan has filed an affidavit in reply at the admission stage. In that affidavit, he has stated that the applicant had pleaded with the authorities, that she be transferred to Ahmedabad, instead of to Bhopal, and this request of the applicant was granted. The affidavit further states that Mr.Nayar


who was stationed at Ahmedabad as Director(Vigilance) Gujarat Circle had agreed to go to Bhopal, on account of which, the applicant could be accommodated at Ahmedabad. The affidavit further states, that on account of this subsequent event, the original transfer order dt. 30th March'87 was modified accordingly and the applicant has been transferred to Ahmedabad instead of to Bhopal. Mr.Sethna further submitted, that in the background of this modification, at the instance of the applicant, it was not open for her to contend that even her transfer to Ahmedabad should be cancelled. The applicant alleged before us, that she had not made any request for her transfer to Ahmedabad instead of to Bhopal. However, we have no reason to disbelieve the affidavit filed in this respect on behalf of the respondents and the submission made by Mr.Sethna. Under these circumstances we feel that this is not a fit case which is to be admitted.

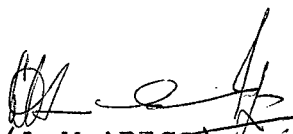
5. The matter also needs to be viewed from another angle. The applicant has been in Bombay for as long as from 1976 to 1982 and again from 1983 to 1987. It is true that there might be some family difficulties for the applicant, as she has to look after her mother and also to see to the education of her children, but these difficulties are of a common nature. Though she pleaded, the illness of her husband on account of blood pressure as another ground to retain her in Bombay, in the course of the arguments she frankly admitted that he was not bedridden but was on duty with Mazgaon Dock, Bombay. The guidelines and policy of Government regarding the posting of husband and wife at the same station referred to by the applicant, need to be viewed in ^{ke}to larger perspective of administrative interest. We are told, ¹that the applicant's

husband who is employed with Mazagaon Docks, is not liable to be transferred out of Bombay. In that case, the respondents would have to post the applicant permanently at Bombay, if the guidelines and policy of Government are implemented rigidly in their letter but not in their spirit. We do not think that this was the intent and that such a situation was contemplated by the above guidelines and policy of Govt. which have necessarily to take into account administrative interest and exigency as a governing factor.

6. Under these circumstances we think that this is not a fit case for admission. The result is that the application is summarily rejected. The ad interim order of stay granted by us on 22nd April '87 stands vacated.

7. At this stage, the applicant made an oral submission that the impugned order be stayed for one month to enable her to approach the Supreme Court. The request is granted. We, therefore, direct that the impugned transfer order dtd. 14-4-1987 should not be given effect to till 6-6-1987.


(B.C. GADGIL)
Vice-Chairman


(L.H. AREGO) 6-5-87
Member (A)