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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.614 of 2005

Date of order : 14th September, 2005

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman
Hon'ble Mr. Mantreshwar Jha, Member [Administrative]

Narayan Ram

Applicant

Vrs.

Union of India & Ors.

Respondents.

Counsel for the applicant : Shri J.K.Karn.

Counsel for the respondents : Shri M.D.Dwivedi, ASC

O R D E R

By P.K.Sinha, V.C. :-

Heard the 1d. counsel for the applicant as well as the learned ASC for the respondents on admission. The applicant admittedly, was posted on ad-hoc basis on the post of Postmaster, Munger Head Post Office which fell vacant in January, 2004. He is the senior most in the Munger Postal Division. The post of Postmaster ^{is} in HSG – I grade. The applicant was expecting his retirement w.e.f. 31.1.2006 as Postmaster at the Head Post Office at Munger. Thereafter, he was asked to give three places of his



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choice on his promotion in HSG – I grade, and vide Annexure-A/3 dated 1st August, 2005 in reply thereto, he virtually gave a representation to be posted at Munger Head Post Office itself. However, vide the impugned order at Annexure-A/4 dated 9.9.2005, he has been promoted but transferred to Jamui Head Office as Postmaster. The learned counsel for the applicant submits that this is being done to accommodate Shri Akhileshwar Singh who is posted as Dy. Postmaster at Munger Head Post Office and is very close to the high officials.

2. The learned counsel's argument is that since the applicant is going to retire shortly, therefore, he should be accommodated for which he had prayed vide Annexure-A/3 which was not taken into consideration by the authorities. It is also submitted that his one son is suffering from polio and his treatment is being done in Munger. It is further submitted that under the guidelines, a person who is to retire within two years, should be allowed to continue at his place of posting.

3. The learned ASC submits that on promotion, a person may be posted elsewhere under administrative exigencies. It is also submitted that Jamui is the adjoining district and the main reason given by the applicant against his transfer is based on presumption.

4. From the perusal of the records there does not appear to be any



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malafide intention in issuance of the transfer order. It is not claimed that the order was against the extant rules or was passed by an authority not competent to pass that order. We find hardly any ground to interfere with the transfer order. The guidelines are guidelines and cannot be expected to over-ride the administrative exigencies. That being so, we do not find any merit in the O.A. which is dismissed.

[Mantreshwar Jha]
Member[Admn.]

[P.K.Sinha]
Vice-Chairman

mps.