

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.516/99.

Dated: 2.12.1999.

M.K.Vaske Applicant.

Mr.B.S.Dhuri Advocate
Applicant.

Versus

Union of India & Ors. Respondent(s)

Mr.V.S.Masurkar Advocate for
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library?


(R.G.VAIDYANATHA)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.516/99.

Thursday this the 2nd day of December, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

Madan Eknath Vaske,
64-B, Sitaram Sadan,
Chunabhatti,
Mumbai - 400 022.

(By Advocate Mr.S.P.Kulkarni)

...Applicant.

Vs.

1. Union of India through
Chief Postmaster General,
Maharashtra Circle,
Old G.P.O. Building, 2nd floor,
Near CST Railway Station (Central)
Fort, Mumbai - 400 001.

2. The Senior Superintendent of
Post Offices, Mumbai City-
South Division,
Mumbai - 400 001.

3. The Director of Postal Services
(City) Mumbai Region, Office of the
Chief Postmaster General,
Old G.P.O. Building, Fort,
At P.O. Mumbai - 400 001.
(By Advocate Mr.V.S.Masurkar)

...Respondents.

: ORDER :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant challenging the order of transfer dt. 23.4.1999. The respondents have filed reply opposing the application. We have heard Mr.B.S.Dhuri, the learned counsel for the applicant and Mr.V.S.Masurkar, the learned counsel for the respondents.

2. The applicant^{was} is working as HSG - II in the Postal Department has been transferred from the Secretariat Post Office to the Post Office at Malabar Hill. The applicant is challenging

...2.



the order of transfer on two grounds. One is that the order of transfer is contrary to different guidelines of the Postal Department. The second ground of transfer is that applicant is handicapped due to an accident and he walks with a limping leg and he cannot move like a normal person and therefore he should be accommodated in some Post Office which has a single bus route from Chunabhatti.

3. The Respondents in their reply have stated that the order of transfer has been made due to administrative reasons and they have justified the order of transfer on merits. As far as applicant's request for transfer on medical grounds, it is stated that the applicant's request has been noted and it will be considered as and when vacancy arises.

4. At the time of arguments, the learned counsel for the applicant brought to my notice a recent representation dt. 8.11.1999 given to the Chief Postmaster General (Staff Section), Maharashtra Circle, Mumbai. In this representation, the applicant has pleaded his inability to report to his duties at Malabar Hill Post Office due to his physical handicapness. He has, therefore, requested either he should be continued in the Secretariat Post Office till the completion of his tenure or he should be given a posting in some other Post Office which is on a single bus route. In particular, he has mentioned names of some Post Offices in the representation which are Mumbai GPO, Sion Post Office, Dadar H.P.O., Parel Post Office, Grant Road Post Office, Bhavani Shankar Road Post Office. He has made a request to the CPMG to consider his case sympathetically and pass appropriate orders. The learned counsel for the respondents

...3.



submits that as on to day he has no instructions whether any order has been passed by the CPMG on this representation or not. But, he clearly stated that applicant's request will certainly be considered as and when there is a proper vacancy where he can be accommodated.

5. As far as the allegation and argument that the order of transfer is not in conformity with transfer guidelines is concerned, it may be stated that transfer guidelines are not statutory rules to be enforced in a Court of Law. It is meant for the administration to consider and pass appropriate orders. The scope of judicial interference in a matter of transfer can be done only on the ground that the order of transfer is mala fide or the order is contrary to any statutory rules. In this case, there is no allegation of mala fide and there is no allegation that the order of transfer is contrary to any statutory rules.

6. The only ground which is pressed by the learned counsel for the applicant and which appeals to me is that in view of his handicappedness it will not be possible to the applicant to join the Post Office at Malabar Hill since the applicant will have to change Bus at two places, which according to him is very difficult due to his handicapped nature. It is purely a humanitarian aspect on which the Competent Authority should apply his mind and take into consideration while considering the applicant's representation dt. 8.11.1999. The CPMG may consider the request of the applicant for a change to any Post Office which has a single bus route from Chunabhatti. It is also open to the applicant to suggest any vacant post or any request transfer by any other official who can accommodate the applicant. If such a request transfer is made to accommodate the applicant

by any officer, the Competent Authority may consider the same and pass appropriate orders according to rules.

7. In the result, the OA is disposed of subject to above observations and further the CPMG is required to apply his mind and dispose of the applicant's representation dt. 8.11.1999 on humanitarian and sympathetic consideration and of course according to law as expeditiously as possible. A copy of the order be furnished to both the counsels. No order as to costs.



(R.G. VAIDYANATHA)

VICE-CHAIRMAN

B. G.