

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:274/2000

DATE OF DECISION:21.6.2001

Shri Pandurang Sakharam Deshmukh Applicant.

Shri S.P. Saxena Advocate for
Applicant.

Versus

Union of India and others Respondents.

Shri V.S. Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri Govindan.S.Tampi, Member(A)

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

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

(3) Library. *Ys*

Govindan.S.Tampi
Member(A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO: 274/2000

THURSDAY the 21st day of JUNE 2001

CORAM: Hon'ble Shri Govindan.S.Tampi, Member(A)

Pandurang Sakharam Deshmukh
Sr. Supdt. of Post Offices,
Ahmednagar Division
Ahmednagar

...Applicant

By Advocate Shri S.P. Saxena.

V/s

1. Union of India through
The Secretary
Dept. of Posts,
Dak Bhavan, New Delhi.
2. The Chief Post Master General
Maharashtra Circle
G.P.O. Bombay.
3. The Post Master General
Pune Region,
Maharashtra Circle,
Pune.
4. Shri R.V.S.Prasad
Secretary
Dept. of Posts,
Dak Bhavan, New Delhi.
5. Shri Dilip Gandhi
Member of Parliament
(Lok Sabha),
Devendra Bungalow,
Ahmednagar.Respondents.

By Advocate Shri V.S. Masurkar

ORDER(ORAL)

{Per Shri Govindan.S.Tampi, Member(A)}

In this application Shri P.S. Deshmukh, who was working as Sr. Supdt. of Post Officer, Ahmednagar has challenged his transfer order to Pune by the impugned order.

2. Heard Shri S.P. Saxena counsel for the applicant and Shri V.S. Masurkar counsel for the respondents.

3. By the impugned order No. PR/ STAFF-III/ GAZ.OFFICERS/ TPO /2000 dated 23.3.2000 of the Asstt. Director of Postal Services, Pune Region, Pune, transferring the applicant from Ahmednagar Division to Pune City East Division as Sr. Supdt. of Post Offices. The said order shows transfer and posting order of 6 other persons as well. Shri Saxena states that this transfer has come before his normal tenure of 4 years and the transfer is on punitive grounds. He has stated that the representatives of one of the Staff Unions, who have been making allegations and complaints against the applicant directly had enlisted support of politicians and pressurised the Hon'ble Minister, for Communication Secretary Posts, Chief Post Master General, Maharashtra Circle and Postmaster General Pune to bring about his transfer. The said complaints contains allegations which have been proved to be baseless. Normally he should not have been transferred before the expiry of normal tenure of four years. The manner in which it has been done by the impugned order has marred his reputation. Unless and until the Tribunal interfered and passed the order cancelling the transfer order, the honour of the applicant who is a honest officer will not be vindicated, plead Shri Saxena, learned counsel for the applicant.

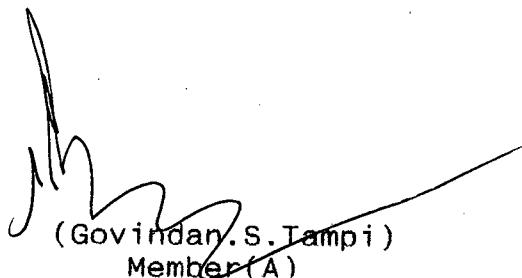
4. Refutting the points raised on behalf of the applicant, Shri V.S. Masurkar, learned counsel for the respondents indicates that action taken by the administration in this case was only to ensure cordial relations in Administration and it cannot be considered colourable exercise, as alleged. He relies upon number of judgements in the written submission and the decision of the Allahabad High Court in the case of Gobardhan Lal V/s State of U.P. reported in 2000 (4) SCT 909 and states that

it is clear case where Senior officer of organisation has considered the matter and taken the decision and there was reason for interference by the Tribunal. The decision of the Tribunal of Mumbai Bench in OA 171/2000 decided on 13.4.2000 on a similar matter was upheld by the High Court of Judicature at Bombay, Bench at Nagpur. In view of the above position the Tribunal shall not interfere in this matter and dismiss the application in the interest of justice and proper administration, pleaded Shri Masurkar.

5. I have considered the matter carefully and perused the facts brought on record. This is a case where Group A officer of the Department of Posts is seeking to have the order transferring him from Ahmednagar to Pune, cancelled on the ground that it was issued in extraneous circumstances. In the normal circumstances the Tribunal shall not interfere in the transfer orders of Government Servants which is in the exclusive jurisdiction of the Government unless it is proved that such transfer order was malafide, without any basis and it is a punitive action. In this case the applicant argues at length that his functioning as Senior Supdt. of Post Offices at Ahmednagar had caused heart burning amongst number of individuals concerned with one of the staff Unions who were indulging in nefarious activities and they have sought help of the Members of the Parliament and the Ministry to have him shifted. On perusal of the facts placed before me does not convince for the same. The transfer order is a General exercise where seven persons have been transferred including the applicant. It is true that normally tenure at a place is fixed for Group A officers before the completion of which they are not transferred. But the same

does not give any immunities to officers from transfer before the transfer. A number of individuals and public persons including Regulators had complained against the behavioural pattern of the applicant. It is a job which as public workers, they are entitled to do. The applicant cannot have any grievance on that and cannot make any averment that his transfer has been caused only on account of them. The transfer in the circumstances of the case cannot be considered as malafide action which would call for any interference. The applicant had stated that all the allegations made against him are totally baseless and motivated by Union Members against whom he had proceeded against. However, the persons concerned is some of these cases have approached this Tribunal and therefore no final say on those cases is possible. Nothing has been brought on record to show that either the Post Master General, Pune or Chief Postmaster General, Maharashtra Circle was influenced in any manner for tranferring the applicant or that the transfer is a punitive transfer as has been alleged by the applicant. In the circumstances when a senior officer of the rank of Chief Postmaster General, equivalent to Additional Secretary to Government of India has passed orders transferring him on administrative grounds, an inference cannot arise that any malafides had crept into the order.

6. Having considered the facts brought on record and listened to the strnuous pleas made by the rival counsel, I am not convinced that the applicant had not made out any case for my intervention. The application having no merit fails and is accordingly dismissed. No costs.


(Govindan S. Tampli)
Member (A)