

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 427/2000<sup>2001</sup>

MONDAY, THE 30ST DAY OF AUGUST, 2001

CORAM: SMT. SHANTA SHASTRY. MEMBER (A)

Shri Ramchandra Rajaram Devarde,  
Group "C", Postman, Juhu Nagar,  
C/o S.P. Inamdar, Advocate,  
HighCourt, A-12/31 Sector No.2,  
C.B.D. Navi Mumbai-400 614. ... Applicant

By Advocate Shri S.P. Inamdar.

Versus

1. Union of India through  
The Chief Postmaster General,  
Maharashtra Circle,  
Mumbai-400 001.
2. The Post Master General,  
Goa Region, Panji,  
Goa-403 001.
3. The Senior Superintendent of  
Post Offices, Mumbai City  
North Division Andheri (W),  
Mumbai-400 053.
4. The Senior Superintendent of  
Post Offices, Sangli Division,  
Sangli-416 416. .. Respondents

By Advocate Ms. H.P. Shah.

O R D E R (ORAL)

The applicant in this case has not challenged any procedural flaws. However, his request is to transfer him to Sangli on certain personal grounds. The applicant was appointed as EDBPM at Tung in Sangli Postal Division with effect from 9.12.1987. However, he was found surplus in Sangli Postal Division. On his own willingness, he was posted as Postman in Mumbai vide order dated 30.12.1996. The applicant while working at

Mumbai, had applied for transfer to Sangli under Rule 38 of the P & T Manual Volume IV. His transfer was approved as a special case in view of the fact that the applicant's father is totally blind and mother is too old and his wife is mentally subnormal. The applicant was informed that his name was kept in waiting list at Sl. No.8 and would be considered as per his turn. However, considering the situation and circumstances of the applicant, he was accommodated for six months by treating it as deputation to Sangli Division in Sangli Head Office. Accordingly, the applicant remained from 30.4.2000 to 31.10.00 at Sangli and has returned to Mumbai on 18.1.2001 after availing necessary leave. The learned counsel for the applicant has pleaded that considering the plight of the applicant's family, he should be transferred to Sangli Division.

2. The learned counsel for the respondents submits that the authorities have taken a sympathetic view and had gone out of the way to see that the applicant is transferred to Sangli. However, there are others also waiting to be transferred to Sangli Division. The applicant is at Sl.No.8 and there is no provision to give precedence out of turn. As and when his turn comes, he will be considered.

3. The learned counsel for the applicant submits that there are five vacancies in Sangli Division and his case may be considered for transfer.

4. Heard the learned counsel for both sides and have perused all the pleadings. Strictly speaking the applicant has sought transfer to Sangli. Once respondents have favoured him by accommodating him, but it is for the respondents to decide as to whether transferring the applicant to Sangli or otherwise. It is not for this court to interfere in this matter, especially when there are no malafides or violation of statutory rules. Applicant must await his turn. However, nothing shall prevent the respondents from reconsidering the request of the applicant, if it is possible to accommodate him. OA is disposed of accordingly. No costs.

*Shanta*  
(SHANTA SHASTRY)  
MEMBER (A)

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