

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION NO.597 OF 1986 (F)

DATE OF DECISION: 27.8.'86

C O R A M

Hon'ble Shri Ch.Ramakrishna Rao, Member (Judicial)

Hon'ble Shri L.H.A.Rego, Member (Administrative)

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K.V.Shankaranarayan : Applicant

Versus

Senior Superintendent of Post
Office, Kolar : Respondent.

Shri M.Raghavendrachar : Advocate for applicant.

Shri M.Vasudeva Rao : Advocate for respondent.

JUDGEMENT

DELIVERED BY SHRI L.H.A.REGO, MEMBER(AM)

The applicant who was posted as Accountant in the office of the Senior Supdt. of Post Offices, Kolar on 28.3.1985 by the first respondent was later on 3.4.1986 i.e., barely within a year, posted as Accountant II Kolar Head Office, by terminating the local arrangement. The applicant has challenged this alleged premature transfer and prays for setting aside on the following grounds, the impugned order dt.3.4.1986 passed by the first respondent, who turned down his request for cancellation of the transfer.

2. The learned counsel for the applicant contends that Rule 60 of the P&T Manual, Item 14, has been violated by this transfer as it prescribes a minimum tenure of four years; ^{that} Rule 62 ibid, imposes a legal obligation on the first respondent to comply with its provisions; that there is a further obligation that no premature transfer should

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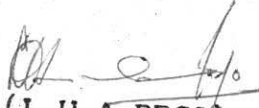
be ordered without the permission of the Head of the Office and in this case no such permission was obtained; that the transfer was effected to favour the second respondent and is therefore violative of Articles 14 and 16 of the Constitution of India; that the impugned order was passed with a mala fide intention, on account of personal vendetta of the first respondent, as the applicant in his capacity as Divisional Asstt. Secretary of the National Union was exposing his illegal activities; that the transfer order is not in public interest and he may be find it very difficult, if not impossible, to serve the above Union, if the transfer order is given effect to.

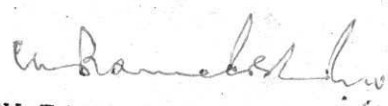
3. The learned counsel for the respondent submits that the transfer order was issued in administrative interest and that Rules 60 and 61 ibid were not violated; that the Head Post Office where he was posted is barely 2 km distant from his previous post in the same town namely Kolar; that the tenure of four years prescribed for the post is the maximum and not the minimum, as stated by the applicant and therefore Rule 62 ibid is not violated; that there has been no hostile discrimination as he has been transferred from one post to another, equal in status and responsibility; that no permission from the Head of the Circle is required to effect transfer before the completion of four years; that the contention that one Shri R.Gopalakrishnaiah, Accountant was to be favoured is denied, that there were no malafides in the transfer of the applicant and the allegations against the first respondent are unfounded and the interim stay granted by this Bench on 2.5.1986 could be implemented as the applicant was relieved of his duty on 15.4.1986 itself.

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4. We have examined carefully the rival contentions and the material placed before us. We are satisfied that the transfer order has been issued in administrative interest, that it has not resulted in loss of status and responsibility, that it has not caused undue inconvenience or injury to the applicant, as his new posting is in the same town not far distant from his earlier posting and there appears nothing mala fide in the order transferring the applicant. Further, it was not legally proper for the applicant to delete the name of Shri R. Gopalakrishnaiah Accountant who was originally impleaded as the second respondent in his application and we, therefore, find that the application has no merits.

5. In the result, the application is dismissed.


(L.H.A. REGO)
MEMBER (AM)
28.8.1986.


(CH. RAMAKRISHNA RAO)
MEMBER (JM)
28.8.1986.