

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION NO.881/86(F)

DATE OF DECISION: 26.8.86

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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V.G.Naik : Applicant.

Versus

1. Senior Supdt. of Post Offices,
Dharwad Division, Dharwad.560 081

2. The Director of Postal Services,
North Karnataka Region, Dharwad.

3. P.G.Patil, Sub-Postmaster, Alnawar,
Dharwad Dt.

Respondents.

Shri U.Pandurang Naik : Advocate for applicant.

Shri M.Vasudeva Rao : Advocate for respondents.

JUDGMENT

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

The applicant was working as Postal Assistant in Dharwad Postal Division. The post of Sub-Postmaster (SPM for short) Dharwad city having fallen vacant owing to the transfer of one Shri S.J.Joshi as SPM Savanur, the first respondent invited applications for this vacancy, from among the officials working in the Dharwad Postal Division, through his Memo dt.14.2.1986. The applicant applied for the said post on 15.2.1986 along with three others. He was selected and posted as SPM Dharwad city under Memo dt.19.2.86 by the first respondent. He assumed charge of the post

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on 28.2.1986. Two months thereafter, general transfers were ordered by the first respondent, under his memo dated 1.5.86 in which the applicant was posted as SPM Gudgeri in Dharwad District, in place of the third respondent who was posted as SPM Dharwad City. The applicant states that Gudgeri is 80 kms from Dharwad, while the respondent controverts it by saying that it is only 57 kms. away by rail.

2. The learned counsel for the applicant states that this transfer violates the provisions of Rule 60A of the P&T Manual Vol.IV and he had therefore appealed to the Postmaster General, Karnataka Circle, Bangalore to cancel the same. He had also requested the first respondent on 5.5.1986 to cancel the transfer but his request was negatived on 15.5.1986 stating that it would be considered at the appropriate time. Aggrieved, the applicant has approached this Bench, with a prayer to set aside the aforementioned impugned order dt.1.5.1986 issued by the first respondent, in so far as it relates to him; to retain him as SPM Dharwad City Post Office, and to grant other relief as deemed fit by this Bench.

3. The counsel for the applicant contends, that the impugned order dt.1.5.1986 contravenes the instructions issued by the DG, P&T under his letter dt.3.2.1986, as the transfer has been ordered within a period of 2½ months; that he should have been retained as SPM Dharwad city, for at least 4 years according to Rule 60A of the P&T manual Vol.IV unless for reasons of punishment or adverse remarks against him, which are not present in his case; that he had barely 2½ years more to retire; that he would have to maintain dual establishment by hiring private accommodation for his daughter who is studying for the final year in Govt. Polytechnic for women at Hubli, which

he can ill-afford with his meagre income; that one Shri V.G.Patil, LSG Postal Assistant present posted at Dharwad is willing to exchange place with him at Gudgeri and therefore the order of transfer is legally unsustainable.

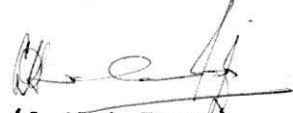
4. The learned counsel for the respondents submits that the Postal Directorate, New Delhi has in its written guidelines issued on 28.11.1985 for rotational transfers during 1986-87, directed that officials who have served for long, in a particular station may be transferred to meet pending genuine requests; that the first set of orders were issued accordingly in March, 1986; that the applicant has not exhausted all the remedies available to him, before approaching this Bench; that his representation dt.22.5.1986 is pending before the PMG, Bangalore which fact he has intently suppressed; that there has been no discrimination in the transfer of the applicant, among six others in the general transfers; that the tenure of the post prescribes only the maximum and, as such, there is no bar to transfer being effected earlier on grounds of administrative exigency; that the applicant has still 3 years and 2 months for his superannuation as against 2½ years as misrepresented by him; and that there are orders that officials who are due to retire within the next two years should not be retired against their wishes; that the applicant has been at one station namely Dharwad for as long as nearly 26 years; and therefore, the application lacks substance.


5. After giving careful thought to the rival contentions of the parties, we are satisfied that the applicant having remained for more than quarter of a century in Dharwad city is not justified in questioning the order of transfer. It is also strange that he should cavil at a nearby posting, at

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Gudgeri in the same district which is barely 57 kms by rail. The order of transfer has been passed obviously in administrative interest. We, therefore, see no reason to interfere.

6. In the result, the application is dismissed.


(L.H.A. Rego)
Member (AM)
26.8.1986


(Ch. Ramakrishna Rao)
Member (JM)
26.8.1986