

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 15-9-87

Application No. 773 /87(F))

W.P. No

Applicant

Shri Govinda Sherigara
To

v/s The Senior Supdt of Post Offices,
Mangalore & another

1. Shri Govinda Sherigara
Selection Grade Postman
Mundkur Post Office
Mundkur
Karkala Taluk
Dakshina Kannada District
2. Shri B.G. Sridharan
Advocate
24, Yamuna Bai Road
Kumara Cot Layout
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN

APPLICATION NO. 773/87(F)

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 9-9-87.

By - [Signature]
DEPUTY REGISTRAR
JUDICIAL

Encl : as above.

9/c

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RECEIVED *8/9/87*
Diary No. *149/CR/87*
Date: *16.9.87*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 9TH DAY OF SEPTEMBER, 1987

Present : Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 773/87

Shri Govinda Sherigara,
Selection Grade Postman,
Mundkur Post Office,
Mundkur, Karkala Taluk,
Dakshina Kannada District.

.... Applicant.

(Shri B.G. Sridharan, Advocate)

v.

1. Senior Superintendent of
Post Offices, Mangalore Division,
Mangalore.

2. Shri K.P. Shetty,
Sub-Post Master,
Mundkur Post Office,
Karkala Taluk,
Dakshina Kannada District. Respondents.

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 ('the Act') the applicant
has challenged order No.82.Overseer.87-88 dated 19.5.1987
(Encl.I) of the Senior Superintendent of Post Offices,
Mangalore Division, Mangalore ('Superintendent')

2. The applicant was working as a Selection Grade
Postman ('SGP') at Mundkur village of Karkala Taluk, Dakshina
Kannada District from 1983 and onwards. In the impugned
order the Superintendent had transferred the applicant from
Mundkur to Mangalore Head Office in place of one Sri D. Gopal

who in turn had been transferred from the Head Office to Mangalore East Sub-Division. But the applicant has stated that the transfer of Sri Gopal had been cancelled later and he is retained at Mangalore Head Office.

3. The applicant has urged that the transfer had been made in the middle of the academic year at the instance of respondent No.2 who bears ill-will against him. He has also urged that the same causes him serious inconvenience and hardship.

4. Sri B.G. Sridharan, learned counsel for the applicant contends that the transfer of his client had been made by the Superintendent only to oblige respondent 2 who bears ill will against him and was not in the public interest at all.

5. In his application, the applicant has not alleged any mala-fides against the Superintendent who had made the transfer of the applicant and two others.

6. We will even assume that the assertion of the applicant that respondent 2 bears ill will against him is true. But that hardly vitiates the transfer made by the Superintendent in the public interest.

7. The Superintendent had stated that he was making the transfers in the public interest. When no mafides are alleged against him, we must accept the same as correct. Even otherwise we find it difficult to hold that the Superintendent had transferred the applicant to oblige



respondent No.2. We see no merit in this contention of and Sri Sridharan/we reject the same.

8. Sri Sridharan next contends that the transfer of the applicant in the middle of the academic year causes serious inconvenience to his children who were all studying at Mundkur village and on these and all other factors this is a fit case in which this Tribunal should atleast direct the Superintendent to keep the transfer of the applicant in abeyance at least till the end of the academic year.

9. Every transfer causes some inconvenience to a civil servant can hardly be doubted. But that hardly is a ground for this Tribunal to examine all the personal factors of a transferred civil servant as if we are a court of appeal and direct its cancellation or its modification in any way. At the highest these are all matters to be agitated before the authorities only and not before us. (Vide SHANTA KUMARI v. REGIONAL DEPUTY DIRECTOR, HEALTH SERVICES PATNA DIVISION, PATNA & ORS, 1981 SC (L&S) 285). We have no doubt that when any such representations are made by the applicant, the authorities will examine them and pass appropriate orders as the circumstances justify. But till then also we cannot interfere with the transfer.

10. In the light of our above discussions, we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the respondents.



-True Copy-

R. Venkatesh
Sd/-
DEPUTY REGISTRAR 18/9/1981
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
Vice-Chairman

Sd/-
Member (A) *H. G. Dixit*