

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 251/87(F)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 27/7/87

APPLICANT

Vs

RESPONDENTS

Smt K.S. Srimathi

The Sr. Supdt. of Post Offices, Shimoga & 2 Ors

TO

1. Smt. K.S. Srimathi
Postal Assistant
Sagar (Shimoga)
Head Post Office
2. Shri Krishnaiah
Advocate
No. 2, Kalidasa Road
Gandhinagar
Bangalore - 560 009
3. The Senior Superintendent of
Post Offices
Shimoga - 2
4. The Senior Superintendent of
Post Offices
Puttur
Dakshina Kannada

5. Smt L.G. Nilkund
Postal Assistant
Head Post Office
Sagar (Shimoga)
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 251/87(F)

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

21-7-87

RECEIVED

ENCL: As above.

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

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DATED THIS THE 21st DAY OF JULY, 1987

Present: Hon'ble Sri Ch. Ramakrishna Rao Member (J)
Hon'ble Sri P. Srinivasan Member (A)

APPLICATION NO. 251/87(F)

Smt. K.S. Srimathi,
Postal Assistant,
Sagar, SHIMOGA
HEAD POST OFFICE

Applicant

(Shri Krishnaiah.... Advocate)

Vs.

1. Sr. Superintendent
of Post Offices,
SHIMOGA - 2.
2. Sr. Superintendent
of Post Offices,
PUTTUR (formerly
SSPOs, SHIMOGA).
3. Smt. L.G. Nilkund,
Postal Asst.
Head Post Office,
Sagar (SHIMOGA)

Respondents

(Shri M. Vasudeva Rao,..... Advocate)

This application has come up before the court today. Hon'ble Sri P. Srinivasan, Member (A) made the following :-

O R D E R

This is an application under Section 19 of the Administrative Tribunals Act, 1985. The applicant is working as a Postal Assistant in the Postal Department, Karnataka Circle. She was posted in this capacity at Sagar from 1982. Her husband who

P. Srinivasan



is also working as a Postal Assistant in the same Department was also posted to Sagar in 1985. By an order dated 26.3.1987 the applicant was transferred from Sagar to Jog Falls. The husband was however not transferred at that time. Her grievance is against her transfer.

2. Many other facts have been set out in the application challenging the transfer. However, when the matter came up for hearing Shri Krishnaiah, learned counsel for the applicant confined himself to one argument viz., that under general instructions applicable to all Government Departments, husband and wife if working in the same Department should as far as possible be posted in the same place. Further the applicant has a small child and separating her from her husband would cause considerable inconvenience in looking after the child.

3. However, it transpires that after the application was filed the applicant's husband has been posted to Kargal Colony which is only 3 km away from Jog falls. In para 12 of the application, the applicant herself states that her husband had made a request to be posted in Kargal Colony because of its nearness to Jog Falls so that the spouses might stay together at Jog Falls. While admitting this, Shri Krishnaiah pleaded that the respondents be directed that the applicant and her husband be posted in the same place, if possible.

4. Shri M. Vasudeva Rao, learned counsel for the Respondents conceded that there were general instructions that as far as possible spouses working in the same Department should be posted to the same place. But this could not always be achieved because it depended on vacancies being available in the same place. In

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the present case the applicant and her husband could not both be accommodated at Jog Falls or at Kargal Colony because that would mean disturbing other persons who had similar claims. The Respondents had done the next best thing by acceding to the request of the applicant's husband and posting him at a place only 3 kms away from where the applicant had been posted. As the applicant herself says in the application this would enable both of them ~~could~~^{to} stay together, the husband commuting just 3 kms to his place of work in Kargal Colony. This being so the grievance of the applicant has, in effect, been redressed by the Respondents themselves.

5. Having heard both counsel we are of the view that, in the changed circumstances, the grievances^M of the applicant no longer survives. It would, no doubt, be ideal if both wife husband could be accommodated in the same place, but in the absence of vacancies in the same place, we feel the respondents have been considerate in accommodating them at places separated by only 3 kms. We have already noticed that the applicant herself has mentioned Kargal Colony as a convenient place of posting for her husband to enable them to live together. This being so we agree with learned counsel for the Respondents that the grievance of the applicant has been substantially if not wholly redressed by the transfer of her husband to Kargal Colony. We understand that neither the applicant nor her husband have so far joined in their new place of posting. We would direct them to join duty at their new places of posting as this is the best that



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