

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

(2)

Stamp No.372/91 (OA 423/91)

D.R.Korgaonkar,
C/o.B.Dattamoorthy,
Advocate High Court,
47/4,Asmita,
Tarun Bharat Society,
Chakala,
Bombay - 400 099. .. Applicant

vs.

1. The Senior Supdt. of Post Offices,
Bombay City, North Division,
Bombay - 400 056.
2. The Director of Postal Services,
Bombay Region,
Bombay - 400 001.
3. The Post Master General,
Bombay Region,
Bombay - 400 001. .. Respondents

Coram: Hon'ble Shri M. Y.Priolkar, Member(A)

Hon'ble Shri T.Chandrasekhara Reddy, Member(J)

Appearances:

1. Mr.B.Dattamoorthy
Advocate for the
Applicant.
2. Mr.V.M.Bendre
Advocate for the
Respondents.

ORAL JUDGMENT:
(Per M.Y.Priolkar, Member(A))

Date: 22-7-1991

who
The applicant was working as Assistant Sub Postmaster, Bandra Post Office has approached this Tribunal against what according to him is an unjust transfer order transferring him to Parleshwar. According to the applicant the transfer order was passed in pursuance of a surprise incognito visit of Director of Postal Service, Bombay Region, Bombay to the Bandra Post office after which he had remarked inter alia that the Asstt. Sub Post Master i.e. the applicant was unable to satisfy the public with full courtesy and decency and that there had been a case recently about exchange of hot words at the counter with some lady Savings Bank agent. The Director of Postal Services had therefore directed that the

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ASPM should be changed and posted on some seat where there was less public dealing.

2. Learned counsel for the applicant argued that this remark of the Director of Postal Service has no basis and that it was done merely to favour a person of his choice whom he wanted to be posted to the seat in Bandra Post office, presently held by the applicant. There is however, no evidence which has been brought out to even prima-facie establish any mala fide. The only allegation is that ~~a~~ ^{the} person posted to the applicant's seat at Bandra Post Office is a person belonging to the same community as the Director of Postal Service which can hardly a mala fide action on the part of the Director.

3. Admittedly there is no hardship involved for the applicant in working at the new post office where he has been ~~excluded~~ transferred which is within 2 to 3 kms. from the present office. In view of this we see no justification at all in giving any stay order against the transfer as prayed for the applicant.

4. Admittedly, however, an appeal against the transfer is pending before the Post Master General, Bombay Region after the first appeal made to the Director Postal Services was rejected by him on 26-6-1991. The second appeal to the Post Master General is dtd. 27-6-1991 (Ex.F) and it is stated to be still pending. We would therefore dispose of this application finally with a direction to respondent No.3 i.e. The Post Master General to consider and dispose of the appeal dated 27-6-1991 of the applicant within a period of two months from the date of receipt of a copy of this order. If the applicant is still aggrieved by the order he will be at liberty ~~not~~

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to approach the Tribunal again in accordance with law. With these above direction the application is disposed of with no order as to costs.

T.C.S. REDDY

(T.C.S. REDDY)
Member (J)

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(M.Y. PRIOLKAR)
Member (A)