

(36)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 424/91

Date of Decision : 24.1.1992.

T.A.No.

Sri V. Ramesh Babu

Petitioner.

Sri P.R. Ramana Rao

Advocate for the
petitioner (s)

Versus

The Postmaster General, AP Circle Respondent.
Vijaywada & other

Sri N. Bhaskara Rao

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

T. C. R.
(HTCR)
M(J)

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA NO. 424/91

Dated: 24-1-92

BETWEEN

Sri V. Ramesh Babu

.. Applicant

AND

1. The Post Master General
Vijayawada Region, AP Circle
Vijayawada 520 002

2. The Superintendent of
Post Offices, Tenali Dvn
Tenali, Guntur District .. Respondents

COUNSEL FOR THE APPLICANT :: SRI P.R. RAMANA RAO, not preser
COUNSEL FOR THE RESPONDENTS :: SRI N. BHASKARA RAO, Addl. Case

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDICIAL)

This application is filed under Section 19 of the Administrative Tribunals Act, 1985, by the Applicant herein questioning his transfer from Repalle Guntur District to Machilipatnam, Krishna District.

The facts giving rise to this application in brief are as follows:

1. The applicant originally was appointed on 28.7.1968 as a Postal Clerk. First, he was promoted as Inspector of Post Offices and later as Assistant Superintendent of Post Offices. His regular posting as Superintendent of Post Offices was given with effect from 15.1.1990 posting him to Tenali North Sub Division, and he was subsequently transferred to Repalle Sub Division. As per orders dated 15.4.1991, the applicant was transferred from Repalle Sub Division to Machilipatnam. As already indicated above, it is the said order of transfer that is questioned in this OA.

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The respondents have filed detailed counter opposing the said application. In the counter filed by the respondents, it is maintained that the applicant is transferred in public interest and in the exigencies of service on administrative grounds.

2. This application was listed for final hearing on 2.1.1992. On 2.1.1992, neither the applicant nor his counsel were present. So this Bench ordered to list the case on 21.1.1992. On 21.1.1992, this OA was taken up at 10.45 A.M. The applicant was absent. Advocate for the applicant was not present. There was no representation on behalf of the applicant. Sri N. Bhaskara Rao, advocate for the respondents was present and reported ready as this OA was listed for final hearing. This OA was again taken up at 4.45 p.m. Even by that time, none turned up on behalf of the applicant. In view of the above said position, this OA was ordered to be listed for dismissal on 24.1.1992.

3. Today (24.1.1992) this case was taken up soon after the Tribunal assembled. The applicant was absent. The counsel for the applicant was not present. There was no representation today also on behalf of the applicant. Sri N. Bhaskara Rao, standing counsel for the Respondents reported ready. Again this case was taken up at about 4.00 p.m. today. None turned up on behalf of the applicant. So under these circumstances, Shri N. Bhaskara Rao, Counsel for the respondents is heard and the matter is decided on merits.

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4. As already pointed out, this is a case where the applicant is questioning his transfer from Repalle to Machilipatnam. In this context, it will be worthy to note the decision reported in 1986(4) SCC 131 Shri B. Vardha Rao Vs State of Karnataka and others, wherein it is laid down as follows:

"It is well understood that transfer of a Government servant who is appointed to a particular cadre of transferable posts from one place to another is an ordinary incident of service and therefore does not result in any alteration of any of the conditions of service to his disadvantage. (emphasis supplied). That a Government servant is liable to be transferred to a similar post in the same cadre is a normal feature and incident of Government service and no government servant can claim to remain in a particular place or in a particular post unless, of course his appointment itself is to a specified, non-transferable post".

In view of the Supreme Court decision, it is not open for the applicant to contend that as of right he is entitled to continue at a place or in particular post only. Of course, if there are any malafides on the part of the concerned in effecting the transfer, then interference is called for by this Tribunal. The fact, that the applicant is working in a transferable post is not at all dispute.

As already pointed out, it is the case of the respondents that the applicant is transferred in public interest and in the exigencies of service on administrative grounds. During the course of the hearing, the learned Counsel Sri N. Bhaskara Rao appearing for the respondents took us through the counter of the respondents.

It is quite evident from the counter of the respondents that the applicant had shown gross negligence in the exercise of his legitimate duties. From the said counter it is also quite evident that the applicant had delayed the submission of pension papers of Sri M. Venkateswarlu, PA, Kallur, who was due to retire on 31.7.1991. The

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pension papers were sent to the applicant on 21.11.90 with a direction to send them early. The applicant submitted the pension papers on 20.2.1991 with a delay of more than three months due to which the pension papers could not be submitted to the Postal Accounts Office, Hyderabad in time. It has also become evident from the counter that the applicant had delayed in sending replies to about 40 other references sent by the 2nd respondent relating to the revision of allowances to the ED staff, public complaints and verification of SEPS, etc.

5. In the counter, it is pleaded that the applicant had been responsible for making ED appointment that were irregular. It is with the said background that the applicant seems to have been transferred from Repalle to Machilipatnam. So, in view of the allegations in the counter, it cannot be said that the action of the respondents in transferring the applicant from Repalle to Machilipatnam is either arbitrary or illegal.

6. The applicant in his application had made an attempt to show that the second respondent had a bias against him as he had not obeyed the instructions of the second respondent which were illegal and so, the second respondent is mainly responsible for the alleged transfer. We see absolutely no substance on the allegations made by the applicant as against the second respondent. It is not fair to attribute any motives to the second respondent for the transfer of the applicant.

7. After going through the records and after hearing the counsel of the respondents, we are satisfied that the said transfer had been effected in public interest and in the exigencies of service on administrative grounds.

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8. So we see no grounds to interfere with the transfer of the applicant from Repalle to Machilipatnam. There are no merits in this OA. Hence, this OA is liable to be dismissed and is accordingly dismissed.

T. Chandrasekara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judicial)

Dated: 24th January, 1992


Deputy Registrar (J)

(Dictated in the open court)

To

1. The Post Master General,
Vijayawada Region, A.P.Circle, Vijayawada- 520 002.
2. The Superintendent of Post Offices,
Tenali Division, Tenali, Guntur Dist.
3. One copy to Mr.P.R.Ramana Rao, Advocate
16-2-740/5, Kalyan Nagar Colony, Gaddiannaram, Hyderabad-660
4. One copy to Mr.N.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
5. One spare copy.

pvm

15/1/92
11/2/92