

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 533/91

Date of Decision : 31st Dec 1991.

T.A.No.

P.Guruva Reddy

Petitioner.

Shri S.Ramakrishna Rao

Advocate for the  
petitioner (s)

Versus

Superintendent of Post Offices, Narasaraopet,  
Division, Narasaraopet, Guntur.

Respondent.

Shri N.R.Devraj

Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. C.J.ROY : MEMBER (JUDICIAL)

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)

*hst*  
(CJR)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

DA 533/91.

Dt. of Order: 31st Dec 1991.

P.Guruva Reddy

....Applicant

Vs.

1. Superintendent of Post-Offices,  
Narasaraopet Division, Narasaraopet,  
Dt.Guntur.

....Respondent

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondent: Shri N.R.Devraj Addl.CGSC.

CORAM:

THE HON'BLE SHRI C.J.ROY : MEMBER (JUDICIAL)

(Order of the Bench delivered by Hon'ble  
Shri C.J.Roy, Member (J)).

-- -- --

This petition is filed attacking the transfer order No. B1-5/10 dt.1-5-91 issued by the Superintendent of Post Offices, Narasaraopet, District Guntur, transferring the applicant from Sattenapalli to Siripuram.

The applicant, who was working as LSG/Postal Assistant, has joined at Sattenapalli on transfer on 27-5-88. In para-4 of his application it is alleged that his service record is unblemished and in this post he has not completed the tenure of four years.

The applicant further alleges that he was granted House Building Loans on 24-12-90 and also on 26-12-91, two instalments of Rs.41,000/- each for the construction of house at Sattenapally, which were drawn by him and that he was abruptly transferred on 1-5-91 to Siripuram to work as Sub-

- 2 -

Post Master. It is further alleged that the incumbent at Siripuram S.O. had also not completed his tenure.

The applicant has filed Annexure A-I, transfer ~~order~~, Annexure A-II, sanction order of 1st loan, Annexure A-III sanction order of second instalment of loan, Annexure A-IV, representation against the transfer and Annexures A-V and A-VI, policy of guidelines for transfer and prayed for an interim order to stay the transfer. Miscellaneous Application No.650/91 was dismissed by this Bench on 20-6-91 <sup>ad</sup> having the main D.A. filed on 21-5-91.

The Respondents filed counter ~~stating~~ that the applicant was ~~transferred~~ to Siripuram in a Class-III combined office working on Morse circuit. It is further stated that the applicant is qualified in Telegraphy called 'Signaller' or a 'combined hand' <sup>and</sup> /is required at Siripuram. The applicant being the suitable person available in the near by to Siripuram, he was posted to Siripuram. It is further mentioned in the <sup>C</sup>ounter that the distance between these two stations is only 19 kms. The Respondents also allege that the applicant was on leave from 30-1-91 to 16-2-91 on the plea of constructing his house. Besides the above allegations, in para-2 of the counter the Respondents attribute certain ~~irregularities~~ <sup>irregularities</sup> on the applicant ~~applicant~~, which reads as follows :-

" (i) An amount of Rs.628-21 Ps was recovered from the applicant on 27-9-73 for contributory negligence in connection with frauds committed by BPM Sirigiripadu.

(ii) One increment of the applicant was withheld for a period of one year by the respondent on 5-4-82 for booking of 4 Registered articles without prepayment of postal charges.

(iii) The applicant was suspended for some period during 1983 and as a result of disciplinary proceedings initiated on him one increment of the applicant was withheld for a period of one year by the respondent on 29-1-86."

It is further stated in the counter that some of the officials have represented to the Postmaster General, Vijayawada on the transfer orders issued to them by the Respondent dt. 1-5-91, among which the representation of the applicant is also there. Considering all the representations, certain modifications were ordered taking into consideration of the exceptional hardships and accordingly the Respondent issued another memo dt. 31-5-91 modifying the transfers of certain officials which were earlier ordered on 1-5-91. It is also stated that when a transfer is made on public interest, the question of notifying the vacancies does not arise. It is further stated that there is no necessity for taking permission from the P.M.G., Vijayawada from Sattenapally before transferring the applicant to Siripuram and the distance between these two stations is 19 kms only and the applicant has approached the Tribunal even before a decision was taken on his representation.

I have heard Shri S. Ramakrishna Rao, learned counsel for the applicant and Shri N.R. Devraj, learned counsel for the Respondents and perused the records carefully.

Shri S. Ramakrishna Rao, learned counsel for the appli-

cant has not produced any rule or Rule of Law wherein transfer cannot be made when House Building Advance was sanctioned. The learned counsel for the applicant admits that the construction of the house was completed and the applicant has joined at Siripuram, the place where he has been transferred.

Though it is argued that the transfer is against the policy, without giving any reasons, causing expenditure to the exchequer and not under the administrative grounds or on public interest but there is no malafidies have been attributed to any person nor actually alleged in the application. But the learned counsel for the applicant chooses to cullout malafidies from para-3 of the counter. Since the Respondents simply replied as they are bound to when the applicant claims in para-4 of his application that he has got an unblemished service record, it is not open for the applicant to cullout the malafidies from that.

Applying the principle laid down in Union of India Vs. H.N.Kirtania (JT 1989(3)SC 131), wherein it was held that transfer of a public servant made on administrative grounds or in public interest should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal, and the transfer is an incident of service, I reject the contention of the applicant because he has not made out any case for interference. That apart the applicant

has also completed the construction of the house and he has ~~my And in view of this~~ The departmental remedies are also not exhausted already joined in Siripuram also. Hence in view of the obser-

uations made and applying the principles cited supra Original Application is dismissed with no order as to costs.

(C.J.ROY)  
Member (J)

Dated: 27th December, 1991. Deputy Registrar (J)

avl/

To

1. The Superintendent of Post-Offices, Narasaraopet Division, Narasaraopet, Dt.Guntur.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.Bench.
3. One copy to Mr.N.R.Devraj, Addl. CGSC. CAT.Hyd.
4. One spare copy.

pvm

3/12/91  
pvm