

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 970/91
~~T.A. No.~~ 0

Date of Decision :

Khaja Hameeduddin Petitioner.

Shri S. Ramakrishna Rao Advocate for the
petitioner (s)

Versus

Supdt. of Post Offices, Sangareddy Division,
Sangareddy & another Respondent.

Shri N. Bhaskara Rao, Addl. CGSC Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian : Member(A)

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)

HRBS
M(A).

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.970/91.

Date of Judgment 10.3.92 .

Khaja Hameeduddin

.. Applicant

Vs.

1. Supdt. of Post Offices,
Sangareddy Division,
Sangareddy.

2. The Director of Postal
Services,
A.P.Northern Region,
Hyderabad-1.

.. Respondents

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

This application has been filed by Shri Khaja Hameeduddin under section 19 of the Administrative Tribunals Act, 1985 against the Supdt. of Post Offices, Sangareddy Division, Sangareddy & another, with a prayer to set aside the order dated 3.10.91 of the Supdt. of Post Offices, Sangareddy transferring the applicant to Zahirabad as one not based on interests of public service but being on suspicion of misconduct.

2. The applicant has been working as Sub-Postmaster, Icrisat S.O. w.e.f. 2.7.90. All of a sudden, on 27.9.91 the Supdt. of Post Offices, Sangareddy is alleged to have visited the office of the applicant and alleged that the applicant had allowed an irregular withdrawal from a certain C.T.D. account while working as Postal Assistant at Administrative Office Building Post Office. It is alleged that the Supdt. of Post Offices threatened him with an order of

32

suspension unless he credited a certain amount into the account of the department. The applicant had credited the said amount into the account of the department under protest. Not content with the explanation of the applicant regarding the irregular withdrawal and also the crediting of the amount, the Supdt. of Post Offices had further issued an order dated 3.10.91 transferring the applicant to Zahirabad. It is alleged that this was done with undue haste. His representation against the transfer having been in vain, the applicant has approached this Tribunal with this O.A.

3. The respondents have filed a counter affidavit and oppose the application. It is denied that the crediting of the amount by the applicant was under coercion. It is stated that he was willing to credit the amount on his own volition without prejudice to any departmental action. It is further stated that during the course of enquiry it came to light that some more accounts belonging to the employees of B.H.E.L. were transferred to nearby post offices like Patancheru LSG S.O., Patancheru Phase II S.O. and Icrisat S.O. without the knowledge of the depositors concerned. It is also alleged that certain essential pages in the specimen signature books of CTD and RD accounts were lost at Icrisat S.O. where the applicant was working. Other vital documents were also seen to be missing. To prevent further loss of any such crucial records and to prevent the tampering of any evidence the respondents felt that it was inevitable to transfer the applicant from Icrisat S.O. to safeguard the interests of the department. Hence, the transfer in the exigencies of service.

4. The applicant has filed a rejoinder wherein I do not find any new material.

5. I have examined the case and heard Shri S. Ramakrishna Rao for the applicant and Shri N. Bhaskara Rao for the respondents. It is the case of the applicant that his sudden transfer from Icrisat S.O. to Zahirabad was not

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in the interests of service but due to the suspicion on the part of the respondents of his involvement in a certain fraud. Among the grounds he has also raised that he is subjected to double jeopardy in that he was asked to credit a certain amount and then on the top of it he had been transferred also.

6. I have carefully examined the case and find that the respondents had a deep suspicion of substantial involvement of the applicant in various fraud cases. It is but natural that to avoid further complications and damage to the department they had to remove him from the scene. If this is not administrative interest, what else can be? The Full Bench of this Tribunal in the case of Kamlesh Trivedi Vs. Indian Council of Agricultural Research & another [ATR 1988(2) 116] had held that "Transfer may be on administrative grounds and one of the grounds could very well be the allegations themselves. If the transfer is ordered in the exigency of service without giving any finding on the allegations, it would not be vitiated" (Para 19). The Full Bench had further held that "Transfer coupled with enquiry into misconduct will not constitute double jeopardy since transfer is not a penalty" (Para 14). Under these circumstances, I am strongly of the view that the transfer ordered was definitely in the interests of service and, therefore, I dismiss the application with no order as to costs.

R. Balasubramanian

(R. Balasubramanian)
Member(A).

10
Dated: 10th March, 1992.

4
Deputy Registrar(J)
11392

To

1. The Superintendent of Post Offices, Sangareddy Divn, Sangareddy.
2. The Director of Postal Services, A.P. Northern Region, Hyd-1.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One spare copy.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;
M(JUDL)

AND

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

DATED: 10-3-1992

ORDER/JUDGMENT:

~~R.A./C.A./M.A.No.~~

in

O.A.No. 970/91

T.A.No. (W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

