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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.47/92.

Date of Judgment 7.4.1992

E.Narasinga Rao

.. Applicant

Vs.

1. The Sr. Supdt. of Post Offices, Visakhapatnam Division, Visakhapatnam.
 2. The Postmaster, Head Post Office, Visakhapatnam-1.
 3. Sub-Divisional Inspector(Postal), Visakhapatnam South Sub Division, Visakhapatnam-530022. .. Respondents.
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Counsel for the Applicant : Shri M.P.Chandramowli

Counsel for the Respondents : Shri Rajeswara Rao for
Shri N.V.Ramana, Addl. CGSC

CORAM:

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

Hon'ble Shri T.Chandrsekhar Reddy : Member(J)

J Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A).]

This application has been filed by Shri E.Narasinga Rao under section 19 of the Administrative Tribunals Act, 1985 against the Sr. Supdt. of Post Offices, Visakhapatnam Division, Visakhapatnam & 2 others, praying for a direction to quash the memo No.B2/14 dt. 27.12.91 issued by the Sr. Supdt. of Post Offices, Visakhapatnam by which he was transferred from Visakhapatnam H.O. to Visakhapatnam North Sub Division.

2. The applicant was working as a Group 'D' official at Visakhapatnam H.O. It is his case that his overtime allowances were not properly settled by the respondents and hence he took up the matter with the respondents at all levels - individually

through the union and through an M.L.A. According to him, ~~it is contended that~~ this annoyed the respondents culminating in the issue of the impugned transfer order. A representation against the transfer was in vain and hence this application.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that the applicant was originally appointed as a Group 'D' official at Visakhapatnam H.O. on 13.7.64 on his reallocation from Anakapalle Division. It is their case that his overtime and compensatory off issues had nothing to do with the transfer as such. He belongs to the transferable category and he has been working at Visakhapatnam for a long time since July, 1964. They also refute the contention of the applicant that this transfer would adversely affect his career prospects which depend on seniority in the cadre and performance both in service as well as in any required tests. It is also pointed out that bringing political pressure in service matters is against the service rules.

4. We have examined the case and heard the rival sides. At the time of hearing, Shri M.P.Chandramowli, learned counsel for the applicant drew our attention to the order dt. 28.12.91 issued by the Sub-Divisional Inspector(Postal),Visakhapatnam (material paper 5) wherein it had been stated that the applicant who was allotted to the Visakhapatnam North Sub Division is reposted as Group 'D' at Chint Waltair in the ensuing retirement vacancy. It is his case that the respondent had malafide intention in posting him to that place even when there was no ^{existing} ~~vacancy~~ but ^{only against} ~~there was~~ an ensuing vacancy. As far as this argument is concerned, we do not find anything objectionable in the act of the respondents because for a person to be posted there should be a post whether existing or arising in future. A retirement vacancy is known in advance and the action of the respondents in filling up an ensuing vacancy

N.B.

does not vitiate the case. As far as the question of transfer itself is concerned, there is a substantial list of decisions both by this Tribunal and by the Hon'ble Supreme Court on this subject. All these decisions uphold the right of the respondents' department to transfer staff from one unit to the other within their jurisdiction in the interests of service and the general trend of the decisions is that courts should not ~~not~~ ^{normally} interfere in this subject of service.

5. In view of the above, we ~~dismiss~~ ^{allow} the application with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member (A).

T.Chandrasekhar Reddy

(T.Chandrasekhar Reddy)
Member (J).

Dated: 7th April, 1992.

23/4/92
Deputy Registrar (Judl.)

Copy to:-

1. The Senior Superintendent of Post Offices, Visakhapatnam Division, Visakhapatnam.
2. The Postmaster, Head Post Office, Visakhapatnam-1.
3. Sub Divisional Inspector (Postal), Visakhapatnam South Sub Division, Visakhapatnam-530022.
4. One copy to Sri. M.P.Chandramowli, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl.CGSC, CAT, Hyd-bad.
6. One spare copy.

Rsm/-