

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A.No. 507/92

~~T.A.No.~~

Dt. of Decision: 3.12.1992

S.Rama Rao

Petitioner

Mrs. Tripurasundari

Advocate for
the Petitioner
(s)

^{Versus}
Postmaster General, Andhra Pradesh,
Southern Region, Kurnool and 2 others.

Respondent.

Mr.N.V.Ramana

Advocate for
the Respondent
(s)

CORAM:

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

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters 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.)

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[Signature]
(HCJR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.507/92

Date of Order: 3.12.1992.

BETWEEN:

S.Rama Rao

.. Applicant.

A N D

1. Post Master General,
Andhra Pradesh,
Southern Region,
Kurnool - 5.

2. Superintendent,
RMS 'TP' Division,
Tirupathi.

3. A.Dorairaj,
Mail Guard,
H.R.O.,
Tirupathi.

.. Respondents.

Counsel for the Applicant

.. Smt. Kalyani
for
Smt.Tripurasundari

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI C.J.ROY, MEMBER (JUDL.)

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

Smt. Kalyani for Smt. S.Tripurasundari, Learned
Counsel for the Applicant and Mr.N.V.Ramana, Standing Counsel
for the respondents are present. Heard both sides.

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2. This is a case filed by the applicant questioning the impugned order transferring the 3rd respondent herein from Tirupathi to Nellore. The applicant has made a representation to the 2nd respondent on 27.9.1990 requesting to transfer him from Tirupathi to Nellore stating his family problems. The applicant was assured that his request would be considered favourably.

3. The 3rd respondent also made a request transfer to Tirupathi. The 3rd respondent was posted at Nellore by the impugned order dated 17.6.1992. It is alleged that the 3rd respondent was originally posted to Tirupathi but again at his request he was transferred from Tirupathi to Nellore. The applicant also requested for transfer from Tirupathi to Nellore. But the applicant is still continuing at Tirupathi. The representation made by the applicant on 27.9.1990 requesting for transfer from Tirupathi to Nellore has not so far been disposed of. Therefore, the applicant states that he should be posted to Nellore but not the 3rd respondent.

4. In AIR 1991 SC 532 (M/s Shilpi Bose and other Vs. State Bank of Bihar and others), the Hon'ble Supreme Court held that "if the courts continue to interfere with the day-to-day transfer orders, there will be complete chaos in the administration which would not be conducive in the public interest."

contd....

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Copy to:-

1. Post Master General, Andhra Pradesh, Southern Region, Kurnool-5.
2. Superintendent, RMS 'TP' Division, Tirupathi.
3. Sri. A. Gorairaj, Mail Guard, H.R.O., Tirupathi.
4. One copy to Smt. Tripurasundari, advocate, 11-6-868, Red Hills, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.

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5. The Hon'ble Supreme Court of India also in the case of "Union of India Vs. Kirtania (1989 SC(L&S) 481)", held that "the applicant cannot choose a place of posting and that the transfer is an incident of service."

6. Hence, this Tribunal cannot grant a transfer by stepping into the shoes of the executive. No person can claim a particular place of posting and the ~~xxx~~ Government servant holding transferable post has no vested right to remain posted at one place or the other.

7. However, the applicant is directed to make a representation to the respondents within a fortnight and after receipt of the same, the respondents are directed to dispose of his case in view of his family problems for which this Tribunal cannot interfere. The said representation may be disposed of within a period of three months from the date of receipt of representation from the applicant. If the applicant is still aggrieved, he would be at liberty to approach this Tribunal afresh.

8. With the above observations, the O.A. is disposed of with no order as to costs.

(C.J.ROY)
Member(Judl.)

Dated: 3rd December, 1992
(Dictated in the open Court)

8/10/12/92
Deputy Registrar(3)