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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No, 1565/93

Date of Order: 30/12/93

BETWEEN:

S.B.Sreenivasulu

.. Applicant.

A N D

1. Union of India rep. by
Post Master General,
APSR, Kurnool.
2. Supdt. of Post Office,
Kurnool Division,
Kurnool.
3. Supdt. of Post Offices,
Hindupur Division,
Hindupur.
5. Postmaster, Adoni,
Kurnool Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Rathaiah

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE Mr.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

[Handwritten signature]

OA.1565/93

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri P. Rathaiah, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. This application is filed praying for setting aside the order dated 16-10-1993 whereby the applicant was transferred from Kurnool Division to Hindupur Division.
3. The applicant is working as Postal Assistant in Kurnool Division. The normal transfer of the postal Assistants ~~are~~ within the division only. But under Rule 37, the employees of that category can be transferred to any other division if the circumstances warrant.
4. When OA.1048/93 was filed against this very order of transfer, the said OA was disposed of by order dated 30-8-1993 with an observation that representation of the applicant ~~to~~ to PMG, Kurnool or who is incharge of PMG, Kurnool, against the said order of transfer may be considered. The PMG, Visakhapatnam, who ~~is~~ ^{was} incharge of PMG, Kurnool issued proceedings dated 16-10-1993 rejecting the representation of the applicant ~~as~~ against the said order of transfer. ~~Therein the~~ following observations of the PMG, Visakhapatnam, in ^{the} order dated 16-10-1993 are referred to for the applicant to challenge the said order :-

"While I agree that transfer of an official to a far off place is a personal inconvenience, it has to be realised that public interest over-rides personal interest. His acts were subversive to discipline and also it is clear that it is not amenable to discipline as long as he continued in Kurnool Division. It is therefore necessary

22/9/93
Jc

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Copy to:-

1. Post Master General, APSR, Union of India, Kurnool.
2. Supdt. of Post Office, Kurnool Division, Kurnool.
3. Supdt. of Post Offices, Hindupur Division, Hindupur. *Anan then per - Dist*
4. Postmaster, Adoni, Kurnool District.
5. One copy to Sri. P.Rathaiah, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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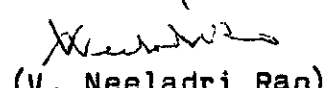
(21)

and unavoidable to transfer him out of Kurnool invoking the provision of Rule 37 of Postal Manual Vol.IV in public interest."

5. In fairness to the applicant it has to be stated that he had ^{not} attributed ~~as~~ malafides to PMG, Visakhapatnam Region, who was incharge of Kurnool Region, who passed the order dated 16-10-1993. The officers at the spot are in a better position to study the situation and ~~to~~ take appropriate steps for defusing the situation if anything untoward happens. It cannot be stated that the discipline is not in the public interest. If the concerned authority feels that the transfer of an employee in the category of Postal Assistants from ~~any~~ one division to ~~any~~ ^{another} division is in the public interest, and when such an order was found to be proper by ~~any~~ ^{another} officer, and when malafides were not attributed to the officer who passed the order and when the rule permits such transfer, we do not feel it a case for interference with the order of transfer.

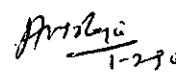
6. In the result, the OA is dismissed. No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice-Chairman

Dated : December 30, 93
Dictated in the Open Court

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Dy. Registrar (Adm.)

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contd --- 4/-

TYPED BY

0.A. 1565/93
COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO.
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 30/12-1993

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

In
1565/93
(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

