

93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

---

D. A. 975/94.

Dt. of Decision : 8-8-1994.

Mr. M.V. Ramanaiah

.. Applicant.

vs

1. The Postmaster General,  
A.P. Southern Region,  
Kurnool-518 005.
2. The Director of Postal Services,  
A.P. Southern Region,  
Kurnool-518 005.
3. The Superintendent of Post Offices,  
Proddatur Division,  
Proddatur - 516 361.
4. The Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.
5. Sri P. Venkataramana
6. Sri A. Krishnaiah

.. Respondents.

Counsel for the Applicant : Mr. P.V. Krishnaiah

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

○

○

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

JUDGEMENT

AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN

Heard Shri P.V. Krishnaiah, learned  
counsel for the applicant and also Shri N.R.  
Devaraj, learned Sr. Standing counsel for the  
Respondents.

2. The applicant who is now working as  
LSG PA was transferred from Jammalamadugu to  
Pulivendla by order dated 6-5-94. On 14-5-94  
the applicant made a representation to P.M.G.  
requesting for his retention at Jammalamadugu  
by submitting inter alia that he has not  
completed the tenure of 4 years in Jammalamadugu  
and that the transfer is unjustified if it was  
done on the complaints given against him. The  
applicant filed OA 572/94 challenging the said  
order. The Bench comprising Shri A.B. Gorthi,  
Member (Admn.) & Shri T. Chandrasekhara Reddy,  
Member (Judl.) by order dated 19-5-94 directed  
P.M.G., Kurnool to dispose of the representation  
dated 14-5-94 and till such time status quo was  
ordered. By ~~memo~~ dated 27-6-94 P.M.G., Kurnool  
stated that the representation dated 14-5-94  
of the applicant has no merit and thereby it is  
rejected. Being aggrieved, the applicant filed  
✓

30

--- 3 ---

this OA assailing his order of transfer from Jammalamadugu to Pulivendla.

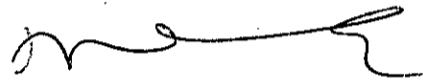
3. The Postmaster General, Kurnool stated in the order dated 27-7-94 that the "applicant was transferred in public interest as a result of enquiries made based on which the concerned authority felt that it is better ~~to shift the~~ official in the interest of public service as it was ~~felt not~~ desirable to retain him there at Jammalamadugu."

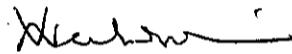
4. It was held by the Supreme Court in AIR 1993 SC 1236 (Rajendra Roy Vs Union of India & <sup>tribunal</sup> Another) that Court ~~cannot interfere~~ in transfers unless it is in violation of statutory rules and or that malafides were established.

5. Though it was <sup>not</sup> specifically stated in the representation dated 14-5-94 that the water at Pulivendla does not suit the applicant and hence he has become sick as stated by him in the representation dated 30-1-93 to the Director of Postal Services (Annexure I) on the basis of which the applicant was transferred from Pulivendla to Jammalamadugu on 19-2-93, it was submitted for the applicant in the course of the arguments that the health of the applicant may again affect if he has to work again at Pulivendla.

6. It is also submitted for the applicant during the course of the arguments that he also pleaded in this OA that in order to accommodate Respondent 6, the applicant was transferred from Jammalamadugu to Pulivendla but in the representation dated 14-5-94 the applicant alleged that his transfer appears to have been issued more to accommodate Shri A. Krishnaiah, Respondent 6. But the Postmaster-General, Kurnool in the memo. dated 27-7-94 stated that his transfer is only in the public interest and it is only ~~in the~~ as a result of the enquiry and it is not a question of transfer under the guidelines for posting BCR officials. Even the applicant has not asserted that his transfer was to accommodate Respondent 6 and he merely stated that his transfer appears to have been made to accommodate Respondent 6. Hence in these circumstances, the memo. of the P.M.G. dated 27-7-94 to the effect that the transfer of the applicant is in public interest on the basis of the enquiries cannot be held as ~~arbitrary~~ <sup>contingent to facts</sup> // In these circumstances, it is open to the applicant to submit a representation to the CPMG that his health does not permit him to work in Pulivendla and if such representation is going to be made it has to be disposed of by the C.P.M.G., A.P. Circle, Hyderabad.

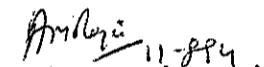
7. It is needless to say that if the C.P.M.G. is satisfied that if the health of the applicant does not permit him to work in Pulivendla, he has to be posted in the next available vacancy in any place in Kurnool Region. The OA is ordered accordingly at the admission stage itself. The representation has to be disposed of within one month from the date of the receipt of the representation.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE-CHAIRMAN

Dated 8th August, 1994  
Open court dictation

NS

  
Amulya  
Dy. Registrar (Judl)

Copy to:-

1. The Postmaster General, A.P. Southern Region, Kurnool, 518 001
2. The Director of Postal Services, A.P. Southern Region, Kurnool-518 005.
3. The Superintendent of Post Offices, Praddatur Division, Praddatur-516 361.
4. The Chief Postmaster General, A.P. Circle, Hyderabad-500 001
5. Sri P. Venkataramana, B.C.R.P.A. (Binnail Cadre Review P.A.) Jammalamadugu, S.C. Cuddapah District.
6. Sri A. Krishnaiah, Sub-Postmaster, Chinnakomeria, Cuddapah District.
7. One copy to Mr. P. V. Krishnaiah, Advocate, 103, Vijayasantha Towers, Opp. Lane to Central Bank of India, Bank Street, Hyderabad-1.
8. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyderabad.
9. One copy to Library, CAT.
10. One spare.

kku.

08.975/94

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

C.C. by 11/8/94

Received  
on 11/8/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. R. RANGARAJAN M(A.D.I.N)

DATE: 8-8-1994

ORDER/JUDGMENT

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

O.A.No.

975/94

(T.A.No.)

(W.P.NO.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions at  
Dismissed *admissibility*

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

