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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD
--

O.A. 1063/94.

Dt. of Decision : 30-8-94.

Mr. P. Venkatramaiah

.. Applicant.

Vs

1. Union of India rep. by
the Postmaster General,
Vijayawada Region,
Vijayawada - 520 002.
2. Director of Postal Services,
C/o the Postmaster General,
Vijayawada Region,
Vijayawada - 520 002.
3. Supdt. of Post Offices,
Machilipatnam Division,
Machilipatnam - 521 001.
4. A. Anjaneyulu

.. Respondents.

Counsel for the Applicant : Mr. T.P.V. Subba Rayudu

Counsel for the Respondents: Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

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

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(21)

OA.1063/94

Judgement

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

Heard Sri T.P.V. Subba Rayudu, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. This OA was filed challenging the order dated 25-4-1994 ^{to the extent of} ~~whereby R-4 was~~ ^{of R4} transferred from Kodur to Chilkalapudi and for a direction to the respondents to transfer the applicant as SPM, Chilkalapudi.

3. By letter dated 18-2-1994 various officers referred to therein including R-4, who completed the tenure at the respective posts were requested to give their place of choice for consideration if there is no administrative inconvenience. Even therein it was stated that other officials also i.e. who had not completed the tenure at their places who wish to seek transfer from their existing places may also submit their representations for the notified posts. It was further stated therein that the request of the official who had not completed the tenure at their respective place will as far as possible be ordered subject to administrative convenience. It is also stated therein that the interests of the senior officials will be given preference over the juniors as principle of natural justice.

4. It is stated for the applicant that he is senior to R-4 and when he and R-4 opted for Chilkalapudi, he i.e. the applicant should be transferred to the said post instead of transferring R-4, and as the impugned order

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transferring R-4 to Chilkalapudi is violative of the above guidelines, the impugned order in regard to transfer of R-4 to Chilkalapudi is vitiated.

5. But the Supreme Court held in AIR 1993 SC 1236 (Rajendra Roy vs. Union of India and another) that the guidelines in regard to transfer do not confer any right on the employee unless the transfer order is in violation of the statutory rules or malafides are established, the Courts/Tribunals cannot interfere with the order of transfer. The applicant had not alleged any malafides. He had also not referred to any statutory provision on the basis on which he can claim transfer to Chilkalapudi in preference to the option of choice of his juniors. So, the impugned order in regard to transfer of R-4 to Chilkalapudi does not warrant any interference.

6. It is stated for the applicant that he is now working in Nagayalanka and when all the others who were promoted under BCR Scheme were not disturbed from the

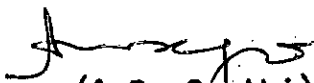
and as the educational facilities are not available at Nagayalanka, it has become necessary for the applicant to maintain three establishments and hence his case for transfer to Chilkalapudi or any place in Machilipatnam may be considered. It is stated that the applicant had already submitted representation dated 13-5-94 to the Director of Postal Services at Vijayawada (R-2).

7. In the circumstances, the only order that can be passed is to give a direction to R-2, the Director of Postal Services, Vijayawada, to dispose the representation dated 13-5-94 of the applicant, expeditiously and

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preferably by the end of September, 1994.

8. The OA is ordered accordingly at the admission stage. No costs.)


(A.B. Gorthi)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : August 30, 94
Dictated in Open Court


28/9/94
Deputy Registrar (J)CC

To

1. The Postmaster General, Union of India,
Vijayawada Region,
sk Vijayawada-2.
- ~~cc/o the Postmaster General Services.~~
Vijayawada Region, Vijayawada-2.
3. The Supdt. of Post Offices,
Machilipatnam Division, Machilipatnam-1.
4. Mr. A. Anjaneyulu, Sub Postmaster, Koduru
5. One copy to Mr. T.P.V. Subbarayudu, Advocate, B-16, F-5,
Krupa Anand Apartments, Anandbagh, Safilguda-47.
6. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm

In final 28/9/94

11/9/94
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE-CHAIRMAN

AND

A.B. Gorthi
THE HON'BLE MR. R. RANGARAJAN : M(A.D.M.)

DATE: 30-8-1994

~~ORDER/JUDGMENT~~

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

in

O.A.No. 1063/91,

(T.A.No.

(W.P.NO

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions. *at the*

Dismissed

Dismissed as withdrawn *admission stay*

Dismissed for Default.

Ordered/Rejected

No order as to costs. *No spare copy*

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