

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 13.10.95.

OA 425/95

D.P. Jain s/o Shri Hanhaiyalal, aged 40 years, Asstt. Supdt. of Post Offices, Office of the Senior Supdt. of Post Offices, Kota.

... Applicant.

Versus

Union of India and others

... Respondents.

CORAM:

HON'BLE MR. GOPAL PRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicant

... Mr.K.L. Thawani

For the Respondents

... Mr. M. Rafiq, brief holder for
Mr. K.N. Shrimal

O R D E R

PER HON'BLE MR. GOPAL PRISHNA, VICE CHAIRMAN

Applicant, D.P. Jain, in this application u/s 19 of the Administrative Tribunals Act, 1985, has challenged his transfer and posting as Assistant Supdt. of Post Offices (HQ) from Kota to Chittorgarh.

2. We have heard the learned counsel for the parties and have carefully perused the records. The learned counsel for the parties have agreed to this matter being decided at the stage of admission.

3. The contentions of the applicant are that while working as Asstt. Supdt. of Post Offices (HQ) Kota, he has been transferred to Chittorgarh in violation of rules and principles of natural justice only with a view to accommodating respondent No.4, Shri Thandiram Meena, who was in fact transferred to Chittorgarh but for about five months he did not join at Chittorgarh and ultimately managed with the authorities the cancellation of his transfer order and got himself posted at Kota at the cost of the applicant. The applicant's main contention is that the transfer was made during mid educational session and in spite of the fact that he had requested for his transfer and posting at Beawar due to there being a Central School at Beawar, he was transferred to Chittorgarh arbitrarily. The applicant has stated that he suffers from a neurological disease and due to his personal and family inconveniences he should have been favourably considered for posting at a place of his choice.

4. On the other hand, the respondents have resisted the application on the

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ground that the transfer was not effected for accommodating respondent No.4, Shri Thandiram Meena, and it is for the administration to take appropriate decision and the applicant was in fact transferred on administrative grounds. It is also stated in the reply filed by the respondents that the applicant has not made any representation about his personal hardship to the concerned authority. It is also stated that a Central School is located at Chittorgarh. It is also categorically stated in the reply that if the applicant wants his posting at a place of his own choice, he could make representation or appeal to the Chief Post Master General, Jaipur/Ajmer.

5. On 5.10.95, when the case was listed before a Single Member Bench, the learned counsel for the respondents had sought time to seek instructions from the respondents if the request made on behalf of the applicant to stay the operation of the impugned order as at Annexure A-1 could be accepted by the respondents till the academic session of his children comes to an end. The learned counsel for the respondents today produced before us two documents. One is a letter dated 9.10.95 issued by the Post Master General, Ajmer, addressed to the Senior Supdt. of Post Offices, Kota, informing him that the applicant's case was re-examined by the FMG and as there was no vacant post in the ASPOs cadre at Kota, it could not be possible to accommodate the applicant at Kota till the close of the academic session. The other document is a copy of the charge report, which indicates that on the afternoon of 14.9.95 the respondent No.4 had already taken over charge of the post of Asstt. Supdt. of Post Offices at Kota. Thus, according to the respondents, it is not possible to accommodate the applicant at Kota now.

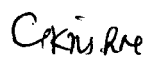
6. It is true that the applicant was transferred in the mid academic session of his school going children. The learned counsel for the applicant states that the applicant suffers from a neurological disease.

7. In view of the peculiar facts and circumstances of this case, we direct the respondents to consider the representation of the applicant, if the same is made by him within 10 days from the date of this order specifying two places of his choice therein, with due sympathy keeping in view the physical difficulties and the educational problems of his children and decide the same within 15 days of the receipt thereof. Let the representation be addressed to respondent No.2 i.e. Post Master General, Rajasthan Southern Region, Ajmer, who shall take a decision on the representation in accordance with the directions of the Tribunal.

8. OA stands disposed of accordingly with no order as to costs.


(G.P. SHARMA)
MEMBER (A)

VK


(GOPAL KRISHNA)
VICE CHAIRMAN