

⑤

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 20.10.97

OA 379/97

S.S.Vyas, Assistant Post Master (Mails), Head Post Office, Dholpur.

... Applicant

Versus

1. Union of India through the Secretary, Deptt. of Post, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director Postal Services, Jaipur Region, Jaipur.
4. Supdt. of Post Offices, Dholpur Division, Dholpur.
5. Shri A.S. Tyagi, Supdt. of Post Offices, Dholpur Division, Dholpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL IPISHNA, VICE CHAIRMAN

For the Applicant

... Mr. K.L. Thawani

For the Respondents

... Mr. K.N. Shrimal

O-R-D-E-R

PEP-HON'BLE MR. GOPAL IPISHNA, VICE CHAIRMAN

Applicant, S.S.Vyas, in this application u/s 19 of the Administrative Tribunals Act, 1985, has challenged his transfer from Dholpur to Bayana on the post of Assistant Post Master as being arbitrary, illegal and biased.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The applicant's case is that he belongs to Scheduled Caste community and his two sons namely Raghavendra Vyas and Bhimendra Vyas are prosecuting their studies at Dholpur, where the applicant is living in his parental house. It is also stated that the applicant has to look after his aged mother and father. The applicant has taken House Building Advance also from the department for the construction of his own house at Dholpur. It is due to these personal hardships that he had to approach this Tribunal for quashing the impugned order of transfer. The transfer has further been assailed on the ground that it is mala fide and because he has been transferred from Dholpur to Bayana before the expiry of four years period since his posting as Assistant Post Master (Mails) at Dholpur, the transfer is bad in law. On the contrary, the respondents have contested the application on the ground that the applicant has been continuously serving at Dholpur Head Office since

C.K. Mohr 24.6.89 in different sections and, therefore, he has completed his tenure at

6

that place.

4. The applicant has made a representation to respondent No.2 in regard to his grievance vide Ann.A-8 dated 11.3.97. This representation has not been decided so far. It has been averred by the applicant that his sons are receiving their education at Dholpur and he has taken a loan from the department for constructing his own house there. In these circumstances, the present application is disposed of, at the stage of admission, with a direction to the respondent No.2 to examine the representation of the applicant, at Ann.A-8, dated 11.3.97, with due sympathy in the light of the facts stated above and take a decision thereon within a period of two months from the date of receipt of a copy of this order. If the applicant is aggrieved by the decision taken on his representation, he may file a fresh OA. Let a copy of the pleadings and the annexures thereto be sent to respondent No.2 i.e. Chief Post Master General, Rajasthan Circle, Jaipur, alongwith a copy of this order.

C. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK