

Date of Decision: 18.2.2000

OA 474/99

S.D.Rathi, Office Asstt in the o/o Supdt.of Post Offices, Sawai Madhopur Division, under transfer as Public Relation Inspector (Postal) Gangapur City Head Post Office.

... Applicant.

V/s

1. Union of India through its Secretary, Deptt.of Posts, Ministry of Communications, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt.of Post Offices, Sawai Madhopur postal Division.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, MEMBER (J)

HON'BLE MR.N.P.NAWANI, MEMBER (A)

For the Applicant

... Mr.C.B.Sharma

For the Respondents

... Mr.Asgar Khan, proxy counsel
for Mr.M.Rafiq

O R D E R

(PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER)

In this OA the applicant makes a prayer to direct the respondents to keep the order dated 21.9.99 in abeyance till June, 2000, by which the applicant was transferred from Sawai Madhopur to Gangapur City.

2. Grievance of the applicant in this case has been that he was transferred in the current ~~xx~~ academic session which adversely affect the education of his children.

3. Reply as well as rejoinder was filed, which are on record. We heard the learned counsel for the parties and also perused the whole record.

4. It is settled law that employee has no right to remain at a particular place and he can be transferred by the competent authority in public interest. This Tribunal can interfere the order of transfer only when it is based on mala fide and it has been issued against infraction of ~~pross~~ professed norms. The view taken by the Hon'ble Apex Court in N.K.Singh's case is that the departmental authorities are the sole judge to decide where and when an employee can be transferred in public interest. Therefore, if the applicant is having any grievance, he must file representation before the competent authority so as to redressal of his grievance.

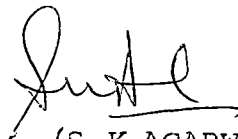
5. In view of the settled legal position and facts and circumstances of this case, we direct that in case the applicant files representation within a month from the date of passing of

this order to the competent authority, the competent authority shall decide the representation of the applicant considering his grievance sympathetically and to pass a reasoned and speaking order within two months from the date of receipt of the representation.

6. With the above directions, this OA is disposed of at the stage of admission.



(N.P. NAWANI)
MEMBER (A)



(S.K. AGARWAL)
MEMBER (J)