

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

TRIBUNAL

20/3/03 H.V.C.

Manu 84
28/2

seen thanks

29/3

O.A. No. 188/2002
T.A. No.

199

DATE OF DECISION _____

Giriraj Prasad Koli

Petitioner

Mr. P.N.Jatti.

Advocate for the Petitioner (s)

Versus

Union of India and three others.

Respondent

Mr. N.C.Goyal

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. H.O.Gupta, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(H.O.Gupta)

(G.L.Gupta)

Administrative Member.

Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH: JAIPUR

O.A No.188/2002.

Date of Decision: 21.03.03

Giriraj Prasad Koli, S/o Shri Mool Chand Koli, by cast Koli aged about 40 years, Resident of 139, Roop Nagar II Jaipur -15. presently working as P.A. M.I Road, Jaipur Post Office, Jaipur.

: Applicant.

-versus-

1. Union of India, through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7
3. Shri Ambesh Upmanyu, Sr. Superintendent of Post Offices, Jaipur City Division, Jaipur-6.
4. B.K.Sharma, Sub-Post Master, Mirza Ismail Road, Post Office, Jaipur-1

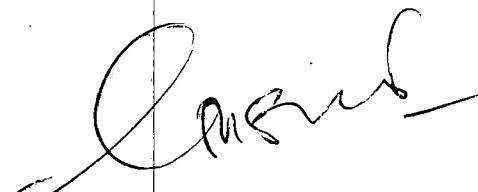
: Respondents.

Mr. P.N. Jatti : Counsel for the applicant.

Mr. N.C.Goyal : Counsel for the respondents.

CORAM: The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. H.O.Gupta, Administrative Member.



--

ORDER

Per Mr. Justice G.L.Gupta:

The applicant was working as Postal Assistant in the M.I.Road Post Office, Jaipur at the time, this O.A. was filed. On 19.4.2002, the Competent Authority, issued transfer order(Annex. A.1). whereby the applicant was transferred from M.I.Road Post Office to Postal Stores Depot, Jaipur.

2. The say of the applicant is that he is an honest worker and was discharging his duties faithfully, yet he has been transferred from M.I.Road Post Office to Postal Stores Depot, Jaipur. According to him the action of the Senior Superintendent of Post Offices, Jaipur City, in transferring him is malafide and arbitrary. It is prayed that the transfer order, qua the applicant be set aside.

3. In the reply, the respondents' case is that the applicant was promoted from the post of Postman to Postal Assistant in 1997, and he was posted to GPO, Jaipur. On completion of the prescribed term, the applicant was transferred to Jaipur City Post Office on 11.6.2001 and thereafter on his own request, he was transferred to M.I.Road Post Office with effect from 8.1.2002. It is averred that there are complaints against the applicant and therefore the competent authority has thought it proper to post him in another office.

4. In the rejoinder, the applicant's case is that no enquiry was conducted on the complaints and the respondents have transferred him arbitrarily.

5. We have heard the learned counsel for the parties and



perused the documents placed on record.

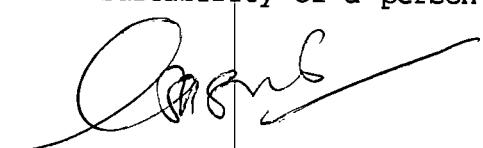
6. Mr. Jatti, learned counsel for the applicant contended that the transfer is in violation of the provisions of the P & T Manual Vol. IV. According to him, the transfer order is arbitrary and the same is the result of malafide exercise of power.

7. On the other hand, Mr. Goyal, learned counsel for the respondents contended that the applicant has not been transferred at a place away from Jaipur and he should not have any grievance in his transfer. According to him, the transfer was necessary because there were public complaints against the applicant.

8. We have given the matter our thoughtful consideration. Mr. Jatti was not in a position to point out the provision of the P&T Manual Vol. IV which has been violated when the applicant was transferred.

9. Rule 37 of the P & T Manual Vol. IV says that all officials of the Department of Posts are liable to be transferred to any part of India. Rule 37-A say that transfer should generally be made in April of each year which has been done in this case.

10. No Rule laying down that a particular employee has necessarily to be kept at a particular desk for certain period was referred to by Mr. Jatti. It is obvious that the applicant's Head Quarter has not been changed when he has been transferred from M.I.Road Post Office to Postal Stores Depot. It is the discretion of the competent authority to post a particular employee at a particular desk. The competent authority is the best judge to know the suitability of a person for a particular job. Admittedly, there were



complaints against the applicant and even copies of the complaints have also been placed on record. It was not necessary that a full fledged enquiry was conducted before ordering the transfer of the applicant.

11. Keeping in view the circumstances of the case, more so when the Head Quarter of the applicant has not been changed, there cannot be any justification for granting the prayer of the applicant. It is settled legal position that in the matter of transfer, the scope of judicial review is very limited and the Court cannot be justified in upsetting the administrative determination which has been taken by the competent authority on the basis of the circumstances placed before it.

12. There is no cause to believe that the applicant has been transferred from M.I.Road Post Office to Postal Stores Depot due to malafides. As a matter of fact, no circumstance constituting malafides has been brought on record. The order of transfer cannot be said to be arbitrary.

13. For the reasons stated above, we find no merit in this O.A and dismiss it.

14. No order as to costs.


(H.O.Gupta)

Administrative Member.


(G.L.Gupta)

Vice Chairman.

jsv.