

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT BILASPUR

OA No.1009/2004

Bilaspur, this the 11th day of May 2005.

Sukhram Singh Kaiwart
S/o Dhaneshwar Singh
Group 'D'
R/o Village Khedapali
Post-Chhai, Tehsil
Dharamjaygarh
Dist. Raigarh (CG) Applicant

(By advocate Shri Shyam Sunder Kashyap
on behalf of Shri F.S.Khare)

versus

1. Union of India through
the Director General
Ministry of Post Services
New Delhi.
2. The Chief Post Master General
Department of Post Services
Bhopal.
3. The Post Master General
Department of Post Services
Raipur District.
4. The Director Postal Services
Department of Post Services
Raipur District.
5. The Head Postmaster
Head Post Office
Raigarh District.
6. The Superintendent
Division Post Office
Dist. Raigarh. Respondents.

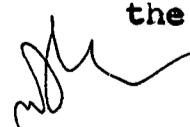
(By advocate Shri S.P.Singh on behalf of
Shri A.P.Khare)

O R D E R (oral)

By M.P.Singh, vice Chairman

By filing this OA, the applicant has sought the following
reliefs:

- (i) To direct the respondents to transfer the
applicant to any other places on the same
post or any other post which is equal of
the present post.



2. The brief facts of the case are that the applicant was appointed as a Group 'D' employee and posted at Head Post Office, Raigarh (CG) w.e.f. 1.10.91. According to the applicant, in the month of May 2000, some anti social persons quarrelled with him when the applicant was going to lodge an FIR in the police station. The above persons caught the applicant and threatened him saying that if he made complaint against them, he would be killed. Therefore, the applicant made a representation to respondent No.4 on 20.8.2001 to transfer him to any other post office. But he has not been transferred. Hence this OA is filed.

3. Respondents in their reply statement have stated that the applicant is absent from duty from September 2001. According to the respondents, the applicant desired for a transfer from Raigarh to any other place due to quarrel and threat by some anti social elements. However, the applicant did not lodge any FIR in the police station. This incident of quarrel with some anti social elements is purely personal dealing of applicant with local people in his locality. They have further stated that the applicant if aggrieved should lodge FIR before concerned police station and in case the applicant wants transfer, he should apply for it under rule 38 of Postal Manual vol.Iv but the applicant has failed to do so. According to respondents, the applicant himself is not interested to join duty under the guise of quarrel and threat to him. In view of this, the OA is without any merit and is liable to be dismissed.

4. We have given careful consideration to the rival contentions and we find that the applicant who has been absenting himself from duty has given a representation

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to the respondents to transfer him out of Raigarh as he was under threat by some anti social elements. The respondents have advised him to apply for transfer under Rule 38 of Postal Manual vol.Iv but the applicant has failed to do so. It is the settled legal position that whom to transfer to where comes within the domain of the Executive and the Tribunal cannot interfere with this. In view of this, no direction can be given to respondents to transfer the applicant from Raigarh to any particular place. The OA is without any merit and is accordingly dismissed. No costs.


(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
vice Chairman

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① FS Khan
Adv.

② AP Khan
Adv.

Issued

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18.5.05