

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

original Application No. 494 of 2003

Jabalpur, this the 23rd day of July 2003

Hon'ble Shri J.K. Kaushik, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

B.U. Kakde, Aged about 52 years,
S/o. Sri Upas Rao Kakde, ASRM,
Railway Mail Service I, Bhopal. ... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India,
Through : The Secretary,
Government of India Ministry
of Communications Department of
Posts, New Delhi.
2. Chief Post Master General,
MP Circle, Bhopal-12.
3. Director Postal Services (HQ),
Office of Chief Post Master
General, MP Circle, Bhopal 12. ... Respondents

O R D E R (oral)

By J.K. Kaushik, Judicial Member -

Shri B.U. Kakde has filed this original application assailing the impugned order dated 15/07/2003 by which he has been ordered to be transferred from Bhopal to Chhatarpur.

2. The brief facts of the case are that the applicant is posted at Bhopal on his own request vide order dated 06/11/1997 (Annexure A/2), on his own cost for education of his son. He has been given certain internal posting at Bhopal and the last posting he is given is at Bhopal only about a year back, by which he was posted as Assistant Superintendent Post Bhopal RMS/1. It has been further submitted that the normal tenure in

respect of the post which applicant holds is 6 years. But he has not completed his normal tenure. A detailed statistics has been given regarding the studies of the children of the applicant and has averred that it would be very difficult for him to maintain two establishments. It is also mentioned that it would be difficult for him to shift to Chattarpur at least for a period of $1\frac{1}{2}$ years. A detailed representation has been made on 18/07/2003 in the matter to the competent authority, but he is of the apprehension that before the representation is decided he would be relieved from his present post. It is averred that the applicant continues the present place of posting.

3. The case is listed for admission today. We have heard the learned counsel for the applicant at some length and have carefully perused the records of this case.

4. The learned counsel for the applicant has reiterated the facts and grounds mentioned in the OA. He has made clean breast of facts.

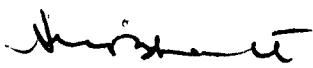
5. However we find that the applicant has completed about 5 years at Bhopal and the primary ground that he has not completed his normal tenure cannot be sustained. As regards the other contentions of in-convenience and personal problems including the domestic problems such as education of children etc. is not the matter of interference of judicial review and there are unanimity of judicial pronouncements on this ground by the various courts that such matters have to be specifically dealt by the

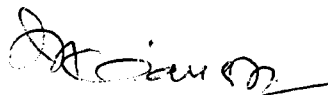
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administrative authorities and no interference is desirable for the Tribunals or the courts.

6. Keeping in ^{above} view ~~the~~ position, we are of the considered opinion that the matter should be remanded to the competent authority to take appropriate decision in the matter.

7. In view of the aforesaid discussion, the OA is disposed of with a direction to the respondents to decide the pending representation of the applicant dated 18/07/2003 (Annexure A/6) within a period of one month from the date of receipt of copy of this order by passing a speaking and reasoned order and also examining the merits of the case. Let a copy of this order alongwith the paper book be sent to the respondent No. 3 for complying with the direction. Since the applicant is continuing at the present place, his status as of date will be maintained till the final decision is taken on the representation. Original Application stands disposed of in limine at admission stage itself.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्पित:-

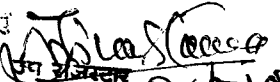
(1) सचिव, अन्य न्यायिक दायर प्रशासनिक, जबलपुर

(2) अध्यक्ष, पी.सी.टी./यु.....

(3) मुख्य, पी.सी.टी./यु.....

(4) सचिव, पी.सी.टी., जबलपुर जिला नि

सूचना एवं आवश्यक कार्रवाई हेतु


30/7/03

Issued
on 30.7.03
BS

S.K. Nagpal
BSN 203 with Delitt