

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.871 of 2003

Jabalpur, this the 18th day of December, 2003

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shenthappa, Judicial Member

Mrs. Neeta Shrivastava,
W/o Sri Girish Kumar Shrivastava,
aged about 42 years, Senior
Accountant, Office of Director
of Accounts (Postal G.T.B.
Complex, T.T. Nagar, Bhopal 462003

APPLICANT

(By Advocate - Shri S.K. Nagpal)

VERSUS

1. Union of India,
Through: The Secretary,
Ministry of Communications,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.
2. The Director General
Department of Post, Dak Bhavn,
Sansad Marg, New Delhi.
3. The Chief Post Master General,
MP Circle, Dak Bhavan, Bhopal
4. Director of Accounts (Postal)
GTB Complex, T.T. Nagar,
Bhopal 462003.

RESPONDENTS

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

The applicant has filed this OA seeking a direction to quash the order dated 29.8.03 (Annexure-A-1).

2. The brief facts of the case are that the applicant is working as Senior Accountant in the office of Director of Accounts (postal) Bhopal. She has been transferred vide impugned order dated 29.8.03 in which all 57 officers have been transferred from Bhopal to Chhatisgarh Postal Accounts Circle at Raipur. The grievance of the applicant

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is that her husband who is working as Assistant Grade-III in MP State Government, Excise Department, cannot be transferred out of the State, as he has been allocated to State of Madhya Pradesh. The applicant has submitted that the impugned order of her transfer from Bhopal to Raipur issued by the respondents, will cause lot of problems to both ^{of} them and their children. She has further submitted that she has also given her option to remain in ^{State} of M.P. at Bhopal Region but her request has not been considered by the respondents. Aggrieved by this she has filed this OA.


3. Heard the learned counsel for the applicant.

4. The learned counsel for the applicant states that the husband of the applicant has been allocated the State of Madhya Pradesh in Excise Department and he cannot be transferred to the State of Chhatisgarh. He has also stated that the applicant is victim of Gas leakage tragedy of Bhopal and she is suffering from the gas problem and is under treatment at Bhopal Hospital. He has also drawn our attention to the letter dated 4/6-12-01 (Annexure-A-6) issued by the Govt of Madhya Pradesh which stipulates that on the reorganisation of State of M.P. and Chhatisgarh, employees will be allocated the State in accordance with their own option. He has further submitted that these guidelines are issued by the Govt. of Madhya Pradesh and are in accordance with the guidelines issued by the Govt of India, Ministry of Personnel and Training.

4. We have considered the submissions made by the learned counsel for the applicant. In the case of transfer, the Hon'ble Supreme Court has laid down that the transfer is an administrative matter and should not be interfered by the Courts or Tribunals unless the transfer order is in violation of statutory Rules or is malafide. In this case we find that the transfer of the applicant from Bhopal to Raipur has been done in pursuance of creation of new a circle in Chhatisgarh. State it is not a violation of any statutory Rule ^{and is} ^{also not} malafide. The learned counsel for the applicant has submitted that the representation dated 8.9.2003 (Annexure-A-3) is pending before the respondents and they have not yet taken any decision.

5. In the circumstances we find that it will be appropriate to direct the respondents to first decide the representation dated 8.9.03 (Annexure-A-3) of the applicant and also treat this OA as ² part of the representation. The respondents are directed to decide the representation by a detailed speaking and reasoned order within a period of 2 months from the date of receipt of copy of this order. A copy of the OA be also sent to the respondents along with this order. In case the applicant is not relieved, she will not be disturbed from the present place of posting till her representation is decided by the respondents. The OA is disposed of with the above directions. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman