

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 872 of 2003

Jabalpur, this the 18th day of December, 2003,

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

Mrs. Varsha Bhargava
W/o Shri V.K. Bhargava,
Aged about 42 years, L.D.C.
Office of Director
of Accounts (Postal) GTB.
Complex
T.T. Nagar, Bhopal 462 003
(By Advocate - Shri S.K. Nagpal)

APPLICANT

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 Bhavan,
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 462 003

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 impugned order dated 29.8.03 (Annexure-A-1).

2. The brief facts of the case are that the applicant is working as LDC at Bhopal in the Postal Accounts Department. She has been transferred to Raipur vide order dated 29.8.2003. In this case the husband of the applicant is also working as Postal Assistant in the Postal Department, who has been retained at Bhopal.

The contention of the applicant is that her children are very small and studying at Bhopal. She has also given her option to stay in Madhya Pradesh Region at Bhopal 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 has drawn our attention to letter dated 4/6-12-01 (Annexure-A-6) issued by the Govt. of Madhya Pradesh which stipulates on the States of that/re-organisation 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 ^{with} 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 in violation of any ^{and is not} statutory Rule. The learned counsel for the applicant has submitted that the representation dated 15.9.2003 (Annexur-A-3) is pending before the respondents and they have not yet taken any decision.

msk

