

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 887 of 2003

Jabalpur, this the 19th day of December, 2003

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

Mrs. Kanchana Chincholkar,
W/o. Sri Uday Kumar Chincholkar,
Aged about 38 years, Junior
Accountant, Office of Director of
Accounts (Postal), G.T.B. Complex,
T.T. Nagar, Bhopal 462 003.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

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 462 003.

... Respondents

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

The applicant has filed this Original Application seeking a direction to quash the impugned order dated 29.08.2003 (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 29.08.2003. In this case the husband of the applicant is working as Technical Assistant in National Repair Centre ~~Technician~~, of BSNL at Bhopal. The contention of the applicant

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is that her children are small and studying in Primary School and need constant attention of parents. The applicant has submitted that the impugned order of her transfer from Bhopal to Raipur, issued by the respondents, will cause a 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 Madhya Pradesh 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 applicant had a Facial Paralysis attack and for this she has to take routine medical check up and her treatment is going on at Bhopal. The learned counsel for the applicant further submitted that the applicant has to look after her widowed mother and the parents of her husband. He has further drawn our attention to the letter dated 4/6.12.2001 (Annexure A-6) issued by the Government of Madhya Pradesh which stipulates that on the re-organisation of States of Madhya Pradesh and Chhattisgarh, employees will be allocated the State in accordance with their own option. He further submitted that these guidelines are issued by the Government of Madhya Pradesh and are in accordance with the guidelines issued by the Government of India, Ministry of Personnel and Training.


5. 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,

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we find that the transfer of the applicant from Bhopal to Raipur has been done in pursuance of creation of a new circle in Chhattisgarh State. It is not a violation of any statutory Rule and is also not malafide. The learned counsel ⁱⁿ of the applicant for the applicant has submitted that the representation/ dated 11.09.2003 (Annexure A-3) is pending before the respondents and they have not yet taken any decision.

6. In the circumstances, we find that it will be appropriate to direct the respondents to first decide the representation dated 11.09.2003 (Annexure A-3) of the applicant and also treat this OA as 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 a 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 Original Application is disposed of with the above directions. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

पृष्ठसंकेत सं ओ/क्या.....जबलपुर, दि.....

परिचयित्तियि भाषणे दिवस

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SK Nagpal, Adh.

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