

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET


ORDERS OF THE TRIBUNAL

31.7.2007

OA 497/2006 with MA 106/2007

Mr.C.B.Sharma, counsel for applicant.
Mr.Gaurav Jain, counsel for respondents.

List tomorrow, as prayed for by the learned
counsel for the parties.

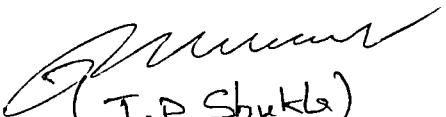

(J.P.SHUKLA)
MEMBER (A)

vk

01-08-2007

Mr. C.B. Sharma, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents

Heard. The case is disposed of by
a separate order.


(J.P.Shukla)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 1st day of August, 2007

ORIGINAL APPLICATION NO.497/2006

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

D.K.Joshi,
Sub Post Master,
Shopping Centre Post Office,
Kota.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication & Information
Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Sr.Suptd. of Post Offices,
Kota Postal Division,
Kota.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA


Heard the learned counsel for the parties.
The grievance of the applicant is that vide order
dated 15.12.2006 (Ann.A/1) he has been
transferred from Sub Post Master, Shopping Centre
Post Office, Kota , to Sub Post Master, Sangod

Post Office, i.e. at a distance of about 90 Kms. during the academic session and also against the instructions which provide transfers only in the month of April/May each year.

2. Learned counsel for the applicant submitted that so many officials having more stay than the applicant at Kota have been retained and only the applicant has been picked up for transfer. It was specifically brought to the notice of this Tribunal that there is no administrative exigency as nobody has been posted against the applicant.

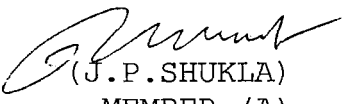
3. Learned counsel for the respondents contested the OA and submitted that there has been administrative exigency as Shri O.P. Soni, working as SPM Sangod, suddenly expired on 26.11.2006. It was also brought to the notice that Sangod is a big town i.e. Sub Divisional Headquarter of Kota District and having a double handed delivery post office. Moreover, the Postal Assistant posted at Sangod committed a fraud and he was placed under suspension and the work at Sangod is presently being managed by deputing one postal Assistant from Chhipabarod. Therefore, keeping in view the facts and circumstances of the case and exigency of the service, the applicant was transferred to Sangod in public interest. He also submitted that due to the stay on the impugned transfer order dated 15.12.2006 (Ann.A/1), the work of Sangod Post Office is suffering.

4. After hearing the learned counsel for the parties and perusal of the documents available on record, it is observed that no malafide on the part of the respondents is established in this case and there has been no violation of any statutory rule and the order in question has been issued by the competent authority in administrative interest. Moreover, it is also observed that apprehension of the applicant that



Shri O.P.Soni will be adjusted in his place was absolutely incorrect as said Shri Soni had expired on 26.11.2006 and this fact was well within the knowledge of the applicant and he deliberately concealed this fact from the Tribunal.

5. In view of the above, this Tribunal would not like to interfere anymore in this case and this OA stands dismissed. No costs.


(J.P.SHUKLA)
MEMBER (A)

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