

08.10.2009

OA No. 335/2009

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

Let the matter be listed on 21.10.2009.

(M.L. CHAUHAN)

MEMBER (J)

21-10-2009

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

Heard learned Counsel for the
parties.

Order Reserved.

(B.L. Khatri)
M(A)

23-10-09

The order is pronounced in the
open Court today



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of October, 2009

ORIGINAL APPLICATION No.335/2009

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

B.L.Verma,
Sub Post Master,
Bazaria Post Office,
Dholpur.

... 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. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur.

3. Supdt. of Post Offices,
Dholpur Postal Division,
Dholpur.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER

PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985, against the order dated 27.7.2009 (Ann.A/1), whereby he has been transferred from the post of Sub Post Master, Bazaria, Dholpur, to Office Assistant,

DO, Dholpur. Through this OA, the applicant has prayed for the following relief :

"That respondents be directed to allow the applicant to work as Sub Post Master, Bazaria Post Office, Dholpur, till 31.8.2010, by quashing memo dated 27.7.2009 (Ann.A/1) with all consequential benefits."

2. The applicant has challenged the impugned transfer order on the following grounds :

- i) That the applicant has been continuously working on the present post/station since 18.4.2007. But, now, vide impugned transfer order (Ann.A/1) he has been transferred to the post of Office Assistant at the same station i.e. Dholpur.
- ii) The applicant is due for retirement on 31.8.2010 and he has not yet completed the tenure of the post of Sub Post Master and has been transferred without any basis. He has also been deprived from the benefits of the post of Sub Post Master.
- iii) The respondents have passed the impugned transfer order just to adjust one Shri B.L.Sharma. The respondents are in practice to issue transfer orders in the months of May or June every year, whereas in the case of the applicant the transfer order has been issued in the month of July.
- iv) The applicant is not in a position to serve as Office Assistant as he is not conversant with the administrative work.
- v) Learned counsel for the applicant relied upon Rule-60 of the P&T Manual Vol.IV, which provides that an employee occupying the post of non-gazetted Sub Post Master naturally shall occupy the said post continuously for a period not more than four years. The applicant has not

completed the period of four years as he had been transferred to the said post only in the year 2007.

3. The respondents have vehemently contested this OA by filing their reply and inviting attention of the Bench to the Note below Rule-60 of the P&T Manual Vol.IV, wherein it has been clarified that any official can be transferred anywhere for administrative reasons even before completion of the tenure of four years. It is admitted that the applicant is at the verge of retirement. However, he has been posted only from one post to another at the same station.

4. As regards the knowledge of administrative work, the respondents have mentioned that an official who can make simple correspondence can be posted in the Divisional Office as per knowledge of Head of the Division. The applicant is seniormost official and has been incharge of the important post offices. Incharge of the post office is supposed to make correspondence with Divisional Heads and the applicant is well-versed with the same.

5. It is also submitted in para-5 of the reply that due to involvement of the applicant in a bribery case, he was placed under suspension and a criminal case [No.117/02] is pending under trial against him in the court of ACD cases, Kota. Thus, the applicant was not considered fit for holding independent charge of a post office.

6. Learned counsel for the respondents also relied upon a judgement of the Apex Court in the case of **Punjab National Bank & Ors. v. All India New Bank of India Employees' Federation & Ors.** [1997 (10) SCC 627], in which the Apex Court held that the management is the best judge to distribute the employees amongst different branches.

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7. I have considered the rival submissions and perused the record. As per Rule-60 of the P&T Manual Vol.IV, an employee occupying the post of non-gazetted Sub Post Master is allowed to continue on that post for a period of four years, but in this case the respondents have submitted that the applicant has been transferred for administrative reasons as provided by the Note below the said rule.

8. Looking to the past record of the applicant, the respondents have transferred the applicant from the post Sub Post Master, Dholpur, to that of Office Assistant, Dholpur, i.e. at the same station. Under such a situation, no weightage can be given for the reason that the applicant is at the verge of retirement. In this connection, it is pertinent to quote para-4 of the judgement of the Apex Court in the case of **Mrs.Shilpi Bose and others v. State of Bihar and others** [AIR 1991 SC 532], as under :

"4. In our opinion, the courts should not interfere with a transfer order which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the Courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. If the courts continue to interfere with day-to-day transfer orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer orders."

9. After having considered the facts of the case and legal position, I am of the opinion that the applicant has not been in a position to make out any case for intervention by this Tribunal.

10. In the result, the OA stands dismissed with no order as to costs.

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(B.L.KHATRI)
MEMBER (A)

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