

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 26.07.2012

OA No. 324/2012 with MA No. 190/2012

Mr. P.N. Jatti, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

Learned counsel appearing for the applicant submits that he will file rejoinder to the reply during the course of the day with an advance copy of the same to the learned counsel for the respondents.

Put up the matter on 07.08.2012. I.R. to continue till the next date.

K. S. Rathore
(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

7.8.2012

OA 324/2012 with MA 190/2012

Mr. P.N. Jatti - counsel for applicant
Mr. Mukesh Agarwal - counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately
the OA stands disposed of.

K. S. Rathore
(Justice K.S. Rathore)
- J udicial member -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 7th day of August, 2012

Original Application No.324/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Manish Kumar Chaurasia
s/o Shri Phool Chand Chaurasia,
aged about 36 years
r/o Q.No.10, Type-III,
P&T Colony, Dada Bari,
Kota, presently working as
P.A. in Kota City Post Office,
Kota.

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary to the Govt. of India,
Department of Post,
Dak Bhawan,
Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur-7.
3. Post Master General,
Southern Region,
Ajmer.
4. Superintendent Post Offices,
Kota Dn.
Kota.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The present OA is directed against the transfer order dated 30.4.2012 (Ann.A/1) on the ground that the order impugned is against the provisions of law and since the applicant's ward has already taken admission in Kota, therefore, the applicant is facing hardship to shift his family from Kota to Baran, as has been proposed vide Ann.A/1.

2. Having considered the rival submissions of the respective parties and upon careful perusal of the impugned transfer order, it reveals that through this transfer order as many as 41 persons are transferred as per Rule 37-A of P&T Manual Vol.IV, which provides that the transfer order should generally be made in April of each year so that the education of school going children of the staff is not dislocated. In emergent cases or cases of promotion this restriction will naturally not operate. Thus in view of Rule 37-A, it is evident that the impugned order has been passed in the month of April, which cannot be said to be in mid session.

3. Further, the applicant has relied upon the judgment rendered by this Tribunal in OA No.460/2009, Ramesh Kumar Sharma vs. UOI and ors. decided on 11.2.2010. The judgment passed in OA No.460/2009 is not applicable in the present case as the transfer order under challenge in OA No.460/2009 was passed on 3.9.2009, obviously in mid academic session, but here in the instant case, the



transfer order is passed in the months of April strictly in accordance with Rule 37-A.

4. I have also considered the submissions made on behalf of the respondents and also considered the Misc. Application seeking vacation of the ex-parte interim order granted by this Tribunal on 15.5.2012. The respondents submitted that post of SPM, Krishi Upaj Mandi, Baran became vacant due to completion of maximum tenure of 4 years in a single handed post office by Shri R.K.Tiwari, who has been ordered to be transferred as SPM, Atone. It is further stated that Krishi Upaj Mandi Baran Post Office is important Post Office which provides services to various Institutions like Krishi Upaj Mandi, Govt. P.G.College, District Hospital, Uttam Colony etc. The applicant who has worked about two years in Kota City computerized Post Office and also a resident of Baran District and being well trained with good approach towards computers was found suitable for posting as SPM, Krishi Upaj Mandi, Baran, therefore, in view of the exigency of service, the transfer is made.

5. Be that as it may, as discussed herein above, it is not a single transfer and a number of employees have also been transferred vide the impugned order dated 30.4.2011, that too in accordance with the provisions of transfer policy and rules, as such, I find no illegality in the impugned order dated 30.4.2012. The judgment in OA No.460/2009 is not applicable in the facts and circumstances of this case, as mentioned above.



6. In view of above discussions, I find no merit in this OA and the OA being bereft of merit fails, which is hereby dismissed with no order as to costs.

7. The ex-parte interim order granted by this Tribunal on 15.5.2012 is hereby vacated.

8. In view of the order passed in the OA, no order is required to be passed in MA No.190/2012, which stands disposed of accordingly.



(JUSTICE K.S.RATHORE)
Judl. Member

R/