

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

02.04.2013

OA No. 333/2012 with MA 34/2012

Mr. C.B. Sharma, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents.

Heard learned counsel for the parties. The OA as well as MA are disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 02nd day of April, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

**1. ORIGINAL APPLICATION NO. 333/2012
With
MISC. APPLICATION NO. 34/2012**

Amar Singh Dangi son of Shri Nopa Ram Dangi, aged about 49 years, resident of Ward No. 15, Dangi Colony, Neem Ka Thana, District Sikar and presently working as Postal Assistant, Losal Sub Post Office, District Sikar

... Applicant
(By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

**2. ORIGINAL APPLICATION NO. 339/2012
With
MISC. APPLICATION NO. 342/2012**

Suresh Kumar Balai son of Shri Prabhu Dayal aged about 38 years, resident of Village & Post Sohanpura, via Patan, Tehsil Neem Ka Thana, District Sikar and presently working as Postal Assistant, Patan Sub Post Office, District Sikar.

... Applicant
(By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

**3. ORIGINAL APPLICATION NO. 340/2012
With
MISC. APPLICATION NO. 346/2012**

Suwa Lal Meena son of Shri Har Phool Meena aged about 44 years, resident of Khetri Road, Neem Ka Thana, District Sikar and presently working as Postal Assistant, Fatehpur Sekhawati Sub Post Office, District Sikar

... Applicant

(By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

**4. ORIGINAL APPLICATION NO. 341/2012
With
MISC. APPLICATION NO. 344/2012**

Subhash Chandra Tailor son of Shri Deen Dayal Tailor, aged about 50 years, resident of Village and Post Chavni Road, Ward No. 24, Neem Ka Thana, District Sikar and

presently working as Postal Assistant, Khandela Sub Post Office, District Sikar.

... Applicant
(By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents
(By Advocate: Mr. Mukesh Agarwal)

**5. ORIGINAL APPLICATION NO. 342/2012
With
MISC. APPLICATION NO. 345/2012**

Murlidhar son of Shri Sultana Ram aged about 49 years, resident of Village & Post Dhandela (Rajpura), via Patan District Sikar and presently working as Postal Assistant, Kawat Town Sub Post Office, District Sikar.

... Applicant
(By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents
(By Advocate: Mr. Mukesh Agarwal)

6. ORIGINAL APPLICATION NO. 343/2012
With
MISC. APPLICATION NO. 343/2012

Manohar Lal son of Shri Bodhu Ram aged about 55 years, resident of Budoli Road, Neem Ka Thana, District Sikar and presently working on deputation as Sub Post Master, Maunda Sub Post Office, District Sikar.

... Applicant
 (By Advocate: Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.

... Respondents
 (By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

In all these OAs, the transfer order dated 07.05.2012 (Annexure A/1) has been assailed. Therefore, these OA being based on similar facts and law points are disposed of by a common order. For the sake of convenience, the facts of OA No. 333/2012 (Amar Singh Dangi vs. Union of India & Others) are taken as a lead case.

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that the applicant is a substantive employee of the respondent department and belongs to Sikar Division. The applicant was served with a minor penalty charge sheet under Rule 16 of the CCS (CCA) Rules, 1965, for the

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short coming on the basis of fraud that took place at Neem Ka Thana Post Office. He was imposed punishment of reduction of pay by one stage for a period of one and a half years without cumulative effect and in addition to recovery of Rs.18,573/- vide Memo dated 21.07.2011 (Annexure A/8).

3. In addition to it, the CBI authorities filed a challan on 29.09.2010 against the applicant before the competent Criminal Court and the matter is sub-judice before the CBI Court, Jaipur (Annexure A/2).

4. Learned counsel for the applicant submitted that in fact fraud took place due to manipulation of agents and applicant without any base became victim on some minor lapses and also involved in criminal case. However, department made responsible to the applicant only for Rs.18,573/- and the same has been recovered after imposing punishment by serving charge memo under Rule 16 of the CCS (CCA) Rules, 1965 and applicant bear the same and at present performing his duties with entire satisfaction to the respondent department and also shifted from Neem Ka Thana to Ganeshwar and thereafter to Losal where at present working, but respondent No. 3 without competency transferred the applicant from Sikar Postal Division to Naguar Postal Division vide Memo dated 07.05.2012 in which name of the applicant finds place at sr. no. 4 invoking provisions of Rule 37 of the P&T Manual Volume IV.

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5. The learned counsel for the applicant submitted that powers under Rule 37 & 38 of the P&T Manual Volume IV are vested with respondent no. 2. The provisions of Rule 37 of the ^{one} P&T Manual Volume IV quoted by the applicant in Para 4(viii) of the OA, which reads as follows:-

"37. All officials of the Department are liable to be transferred to any part of India unless it is expressly ordered otherwise for any particular class or classes of officials, Transfers should not, however, be ordered except when advisable in the interest of Public Service. Postmen, Village postmen and Class IV servants should not, except for very special reasons, be transferred from one district to another. All transfers must be subject to the conditions laid down in Fundamental Rules 15 and 22.

6. The learned counsel for the applicant further argued that respondent no. 1 vide letter dated 23.08.1990 has withdrawn the transfer liability in anywhere in the country so provisions of Rule 37 of the P&T Manual Volume IV have become inoperative.

7. He further submitted that taking into consideration of letter dated 23.08.1990, Hon'ble CAT Ahmedabad Bench quashed the transfer order made under Rule 37 of the P&T Manual Volume IV vide order dated 21.12.1995 (Annexure A/11). He further referred to the order of Hon'ble CAT Jodhpur Bench in **OA No. 221/89 (Karan Singh vs. Union of India & Others)** decided on 05.06.1992 (Annexure A/12). He also referred to the order of this Bench in OA No. 352/2007 (**Bachchu Lal Meena vs. Union of India & Others**) decided

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Tribunal has quashed the transfer orders of the applicants in these OAs.

8. The learned counsel for the applicant submitted that the applicant is being harassed by way of present transfer from Sikar Postal Division to Nagaur Postal Division inspite of fact that he is not having transfer liability from one division to another division and Rule 37 of the P&T Manual Volume IV has also become inoperative.

9. He further submitted that respondent no. 3 is not competent to invoke transfer order from one division to another division for which powers have been vested with respondent no. 2. The respondent no. 2 is head of the Circle and, therefore, he alone can invoke the powers of transferring the Non-Gazetted Officers from one division to another division.

10. The applicant has already been shifted from one place to another in Sikar Postal Division after the incident. The applicant is also required to attend the CBI Court at Jaipur from time to time and it is very difficult to attend the court from far away place which is more than 300 Kms. from Jaipur. He further argued that transfer of the applicant is neither in public interest nor on administrative exigency. Moreover, the transfer policy and guidelines also provide not to transfer the official from one division to another division. The present transfer is panel in

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nature and the applicant cannot be punished by way of transfer after departmental proceedings.

11. He further submitted that there is no CBI case against the applicant of OA No. 339/2012 (Suresh Kumar Balai) and of OA No. 340/2012 (Suwa Lal Meena). Therefore, the transfer order of these two applicants also suffers from infirmity. Hence he submitted that the transfer order dated 07.05.2012 (Annexure A/1) be quashed and set aside.

12. On the other hand, the learned counsel for the respondents submitted that the case of misappropriation in RD Account standing open at Neem Ka Thana MDG by MPKBY came into light on 22.04.2009. After making investigation by a team, a fraud to the tune of Rs.11.63,663/- came into light. He submitted that the following Postal Staff of Neem Ka Thana were found responsible for the various negligences:-

1. Shri Shyam Lal Postmaster (Now retired).
2. Shri Sultan Ram APM (LSG NB).
3. Shri Durg Singh Shekhawat PA Neem Ka Thana.
4. Shri Subhash Chand Tailor PA Neem Ka Thana.
5. Shri Murlidhar PA Neem Ka Thana MDG.
6. Shri Amar Singh Dangi PA Neem Ka Thana.
7. Shri Suwa Lal Meena PA Neem Ka Thana.
8. Shri Manohar Lal PA Neem Ka Thana.
9. Shri Suresh Kumar Balai PA Neem Ka Thana.
10. Shri G.L. Sharma APM Neem Ka Thana (MDG (Now retd.)

13. The disciplinary proceedings under Rule 16 of the CCS (CCA) Rules, 1965 were initiated against the above officials except sr. nos. 01 and 10. The applicant was awarded the punishment of recovery of Rs.18,573/- and the penalty of

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reduction of pay by one stage for a period of one year without cumulative effect with effect from 01.08.2011.

14. That the competent authority by exercising powers provided under Rule 37 of the P&T Manual Volume IV in the interest of service/public interest has transferred the officials who were involved in the above case of misappropriation of Government money vide order dated 07.05.2012 (Annexure A/1).

15. The learned counsel for the respondents further argued that Hon'ble CAT PB New Delhi in the case of **Shri Deepak Verma vs. Union of India** decided on 15.01.2008 has held that the transfer under Rule 37 of the P&T Manual Volume IV can be made (Annexure R/1). The learned counsel for the respondents drew our attention to Para 5 of the reply of the respondents in which Para Nos. 9 to 14 of the order of the Hon'ble CAT PB New Delhi in the case of Deepak Verma vs. Union of India & Others have been quoted. These Paras are quoted below:-

"9. If the facts of the present cases are seen in the backdrop of above judgment, we find in the instant case also, there are serious allegations against the applicant whether he is actually guilty of the fraud or not is a matter, which would be concluded after the criminal case is decided or in the departmental enquiry, if initiated. However, the fact remains that in such circumstances where authorities have a doubt on the basis of preliminary enquiry, that applicant is involved in such a racket or fraud and they have decided to post him to some other Circle, it definitely can neither be said to be arbitrary or illegal. The justification given by the respondents is sufficient for transferring the applicant from one Circle to the other. We find no illegality in the order passed by respondents. It is relevant to note that

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respondents have clearly stated that neither applicant's basic pay would be affected nor his promotional avenues would be affected because of this transfer. Counsel for applicant tried to distinguish this case by stating that was a case of misbehavior with a senior lady officer. We do not agree with such a contention. What is relevant is the gravity of situation which has to be handled by the administration in such type of cases. It could either be misbehavior with senior lady officer or even a case of present magnitude where applicant is stated to be involved in a fraud to the tune of Rs.1.3 crores, therefore, the contention of the counsel for applicant is rejected.

10. Counsel for applicant had next placed reliance on the judgment given by Ahmedabad Bench of this Tribunal in the case of B.M. Parmar (supra) based on DG's letter dated 23.8.1990. However, it is noted that even this aspect has been looked into by the Full Bench of this Tribunal in the case of Shyam Sunder Patra (supra) decided on 04.5.1998.

11. A specific question was referred to the Full Bench, which was as follows:

Which of the two decisions : Whether the Ahmedabad Bench in B.M. Parmar and others v. Union of India 1996 (1) ATJ 2000 or the Division Bench decision in Krishna Chandra Rout vs. Union of India and others. OA 629 of 1994 can be said to have laid down the law correctly?

12. There were certain other questions also, but we are concerned here only with the above question, therefore, others are not being referred to. After discussing all the points, the Full Bench returned a finding that the Division Bench decision in Krishna Chandra Rout v. Union of India and Ors. (OA 629/1994) laid down the correct law, meaning thereby that the judgment given by the Ahmedabad Bench had not been approved of by the Full Bench. Therefore, reliance by applicant on the decision given by the Ahmedabad Bench is absolutely misplaced. Even otherwise, since validity of Rule 37 of P&T Manual had also been looked into by the Hon'ble Supreme Court in the case Union of India and Ors. v. Sri Janardhan Debanath and Anr. (supra). After referring to different provisions, transfer ordered under Rule 37 by Posts & Telegraphs was upheld by the Hon'ble Supreme Court. Therefore, this question is no longer res-integra. It is now settled that transfer under Rule 37 of P&T Manual can be made. Therefore, this contention is also rejected.

13. Counsel for applicant next contended that he could not have been transferred in the midst of session. However, it is noticed that applicant was transferred in July, 2007 whereas schools also open around that time

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only for the next session after vacations. Since applicant's daughter is in KVS and KVS are available all over India, we do not think this aspect would cause any prejudice to the applicant. We say so because it is not stated by the applicant that his child has not got admission in Punjab Circle, therefore, looking at the gravity of the matter, the transfer order cannot be quashed on this ground alone.

14. Hon'ble Supreme Court has repeatedly held that in matters of transfer so long as there is justification courts should not interfere in day to day functioning of the department otherwise it will become difficult to run the administration smoothly and they will not be able to perform their duties. Who should be posted where, are the matters, which are to be left to the authorities concerned to decide unless orders passed are arbitrary or contrary to any statutory rules. In the instant case, since we have already noted above, proper justification has been given by the respondents, therefore, no case has been made out for interference by this Tribunal. The OA is accordingly dismissed. No order as to costs."

16. Learned counsel for the respondents argued that the present OAs are covered by the ratio decided by the Hon'ble CAT PB New Delhi in the case of Deepak Verma vs. Union of India (supra) and, therefore, the action of the respondents in transferring the applicants vide order dated 07.05.2012 is perfectly legal.

17. With regard to the competency of respondent no.3 who issued the transfer order, he submitted that respondent no. 3 is fully competent authority to issue the transfer order and to support his averments he referred to letter No. 33-1/88-PE-II dated 05.12.1989 vide which instructions have been issued with regard to the powers & functions of Chief Postmaster General and Postmaster General (Regional). Para 3 of this letter is quoted below:-

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"3. POWERS AND FUNCTIONS OF THE REGIONAL PMG AND CHIEF PMG - DELEGATION AND LIMITATION.

Each Regional PMG including the Chief PMG is hereby delegated all financial and administrative powers of the Head of the Department as spelt out in the Delegation of Financial Powers Rules, General Financial Rules, F.Rs and S.Rs and Delegations issued by the Board from time to time. Each Regional PMG (including the Chief PMG) is also hereby delegated all administrative powers of the Head of Circle in respect of the units placed under the Regional PMG or the Chief Postmaster General as the case may be."

18. He argued that this letter clearly provides for delegation of administrative powers of the Head of Circle in respect of the units placed under Regional PMG or the Chief Post Master General as the case may be. Therefore, as per the provisions of these instructions, respondent no.3 is fully competent to issue the transfer orders of the applicant. This letter was also shown to the learned counsel for the applicant.

19. Similary the D.O. letter No. 4-99/Raj-09/2010-Inv. Dated 12.10.2010 was also shown to the learned counsel for the applicant. Para No. 4 of this letter is quoted below:-

"4. I have been directed to request you to review this case immediately and cause necessary corrective, punitive and revisionary action keeping in view the gravity of the offences committed. Transfer of the tainted officials under Rule 37 of the Postal Manual Volume -IV may also be considered. An early action taken report may kindly be sent."

20. Learned counsel for the respondents argued that perusal of the DO letter dated 12.10.2010 makes it clear that Department of Posts has also suggested the transfer of officials

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under Rule 37 of the Postal Manual Volume IV to be considered. Thus the action of the respondents in transferring the applicant vide order dated 07.05.2012 is perfectly in accordance with the rules.

21. Learned counsel for the respondents further submitted that letter dated 29 .08.1990 (Annexure A/10) does not take away the powers given under Rule 37 of the P&T Manual Volume IV which only mention that since in actual fact a vast majority of Group 'C' and Group 'D' employees are never subjected to transfer liability implied in this clause, it is felt that such a condition is not necessary in the appointment order. It only provides that the condition of transfer liability should not be mentioned in the appointment letters. However, letter dated 29.08.1990 (Annexure A/10) does not take away the powers under Rule 37 of the P&T Manual Volume IV.

22. The learned counsel for the respondents argued that in the present case, the applicants were involved in a fraud and after departmental inquiry, they have been punished and in addition a CBI case against them is pending in the CBI Court, Jaipur. Therefore, there is justification for transferring the applicants from one circle to another. Hence there is no merit in the OA and these should be dismissed with costs.

23. Heard the rival submissions of the parties, perused the relevant documents and the case law referred to by the learned counsel for the parties. It is not disputed between the parties

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that a fraud came to light in Neem Ka Thana Post Office. Departmental proceedings were initiated against the applicants under Rule 16 of the CCS (CCA) Rules, 1965. The applicants were punished in the departmental proceeding. The CBI authorities filed challan dated 29.09.2010 against the following applicants:-

1. Shri Amar Singh Dangi (OA No. 333/2012)
2. Subhash Chand (OA No. 341/2012)
3. Murlidhar (OA No. 342/2012)
4. Manohar Lal (OA No. 343/2012).

24. The applicants have been transferred because there are serious allegations against the applicants that they are involved in fraud. They have already been punished in the departmental proceedings and a case against four out of the six applicants are pending before the CBI Court Jaipur. Therefore, in my opinion, the justification given by the respondents is sufficient for transferring the applicant from one Division to the other Division. I find no illegality in the transfer order dated 07.05.20912 (Annexure A/1) passed by the respondents.

25. Learned counsel for the applicant during his arguments had stated that in view of OM dated 29.08.1990 (Annexure A/10), the provisions of Rule 37 of the P&T Manual Volume IV has become inoperative. In support of his averments, he referred to the order of the Ahmedabad Bench of the Tribunal dated 21.12.1995 and order of the CAT, Jodhpur Bench dated 05.06.1992 in OA No. 221/89 (Karan Singh vs. Union of India & Others). I have carefully gone through orders passed

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by the Ahmedabad Bench in OA No. 250/1994 and other related matter dated 21.12.1995 (Annexure A/11) and I am of the view that the ratio decided by the Ahmedabad Bench of the Tribunal is not applicable in the present case. The Hon'ble CAT PB New Delhi in the case of Deepak Verma vs. Union of India & Others (supra) in Para No. 12 of the order has dealt with the validity of Rule 37 and they have mentioned that "since validity of Rule 37 of P&T Manual had also been looked into by the Hon'ble Supreme Court in the case of Union of India & Others vs. Sri Janardhan Debanath & Another (supra). After referring to different provisions, transfer ordered under Rule 37 by Posts & Telegraphs was upheld by the Hon'ble Supreme Court. Therefore, this question is no longer res-integra. It is now settled that transfer under Rule 37 of P&T Manual can be made. Therefore, this contention is also rejected."

26. The ratio decided by the Principal Bench with regard to the applicability of Rule 37 & the P&T Manual is squarely applicable in the present case. Therefore, the contention of the learned counsel for the applicant that Rule 37 of the P&T Manual Volume IV has become inoperative in view of the OM dated 29.08.1990 (Annexure A/10) cannot be accepted. The respondents are competent to transfer the applicants under Rule 37 of the P&T Manual Volume IV.

27. The learned counsel for the applicant further submitted that respondent no. 3 is not competent to issue the transfer order. The learned counsel for the respondents had already

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referred to Para 3 of letter No. 33-1/88-PE-II dated 05.12.1989 (quoted in Para 17 of this order) which clearly provides that each Regional PMG (including the Chief PMG) is also delegated all administrative powers of the Head of Circle in respect of the units placed under the Regional PMG or the Chief Postmaster General as the case may be. According to this delegation, the respondent no. 3 is fully empowered to issue the transfer order of the applicants. Therefore, in view of this delegation, the contention of the learned counsel for the applicant that respondent no.3 is not competent to issue the transfer order of the applicants is rejected.

28. The contention of the learned counsel for the applicant that transfer policy and guidelines also provide not to transfer the applicants from one division to another is also not acceptable as Rule 37 of the P&T Manual Volume IV provides that the employees can be transferred from one division to another division by the competent authority. The competent authority has transferred the applicants from one division to another division.

29. The learned counsel for the applicant referred to the order of the CAT, Jodhpur Bench in OA No. 221/1989 decided on 05.06.1992 (Karan Singh vs. Union of India & Others). I have carefully perused the order passed by the learned Tribunal in this OA. The learned Tribunal had quashed the transfer order because the transfer cannot take place by way of punishment. As such the order of transfer was found to be

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colourable exercise of powers. Therefore, the Tribunal quashed the transfer order of the applicants of that OA but in this case, transfer order cannot be said to be colourable exercise of powers. It has been made under Rule 37 of the P&T Manual Volume IV. Therefore, the ratio decided by the CAT, Jodhpur Bench in OA No. 221/1989 (supra) is not applicable under the facts and circumstances of the present case.

30. I have also carefully perused the order of this Tribunal in OA No. 352/2007 decided on 05.02.2009 (Bachchu Lal Meena vs. Union of India & Others). In this OA, the transfer order of the applicant was quashed on the ground that disciplinary proceedings were pending against the applicant and during the pendency of the disciplinary proceedings; the applicant should not have been transferred. But in the present OA, the disciplinary proceedings have already been concluded and the applicant have been awarded punishment. Therefore, the ratio decided by this Tribunal in the case of Bachchu Lal Meena (supra) will not be applicable in the present OA.

31. The learned counsel for the applicant also submitted that two applicants namely Suresh Kumar Balai (OA No. 339/2012) and Suwa Lal Meena (OA No. 340/2012) are not facing any CBI case, therefore, their transfer order is bad in law. In my opinion, it would not make any difference whether these two applicants are facing the criminal case or not because they have already been punished in the departmental proceedings. Therefore, only on the ground that there is no criminal case

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against these two applicants, their transfer order cannot be said to be illegal or arbitrary.

32. Hon'ble Apex Court had repeatedly held that in matters of transfer, the Tribunal/Courts should not generally interfere with the decision of the administrative authorities. The transfer of an employee is not only an incident inherent in terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary, in the law governing or conditions of service. The Tribunals/ Courts should not act as an appellate authority over the transfer orders which could assess the niceties of the administrative needs and requirements of the situation concerned. The Tribunals/ Courts should not substitute their own decision in the matter of transfer for that of competent authorities of the State. In the instant case, the applicants have been transferred by the competent authority under Rule 37 of the P&T Manual Volume IV. A proper justification has been given by the respondents to transfer the applicants from one division to another division. Therefore, no case has been made out by interference by this Tribunal.

33. Thus looking from any angle, I find no merit in these OA. Hence these dismissed with no order as to costs.

34. In view of the order passed in the OA, the interim order dated 22.05.2012 is vacated. MAs for vacation of Interim Relief are disposed of accordingly.

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35. A copy of this order be placed in the file of the OA No. 339/2012, 340/2012, 341/2012, 342/2012 and 343/2012.

Anil Kumar
(Anil Kumar)
Member (A)

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