

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No. 020/00342/2017

Date of C.A.V. : 27.10.2017

Date of Order : 20.12.2017

Between :

N.Suresh Kumar,
S/o N.Rama Subbaiah,
Aged about 40 years,
Occ : PA, Kadapa HO,
Kadapa Division,
Kadapa – 516001, A.P.

... Applicant

And

1. Union of India, Rep. by
The Chief Postmaster General,
A.P.Circle, Vijayawada – 520 013.

2. The Postmaster General,
Kurnool Region, Kurnool – 518 013.

3. The Superintendent of Post Offices,
Kadapa Division, Kadapa – 516 001.

... Respondents

Counsel for the Applicant ...
Counsel for the Respondents ...

Mr. B.Gurudas, Advocate
Mrs.K.Rajitha, Sr.CGSC

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ...
Hon'ble Mrs.Minnie Mathew ...

Member (Judl.)
Member (Admn.)

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judl.) }

The applicant filed the present OA assailing the transfer order vide memo dated 14.02.2017 transferring him from Kadapa Head Office to SPM, Pullampet SO, Kadapa.

2. The brief facts giving raise to filing of the OA may be stated as follows :

The applicant initially joined as Postal Assistant in Karnataka Circle, East Division, Bangalore on 13.01.2002. On his request he was transferred to the State of A.P. w.e.f. 24.01.2013 and was posted as Postal Assistant at Kadapa Head Office. He submits that five days thereafter, he was posted as acting Steno to Superintendent of Post Offices, Divisional Office, Kadapa. In the said post he worked for a period of two years. He was again transferred back and posted as Postal Assistant, Kadapa Head Office w.e.f. 07.01.2015. Recently he was subjected to the impugned transfer. His grievance is that though he did not complete his post tenure as Postal Assistant, Kadapa, he was transferred under a rotational transfer contrary to the transfer guidelines. His further grievance is that the department asked him to submit three options, but did not consider him in any of the three options submitted by him. According to him the transfer was made out of prejudice and with a malafide intention to favour some junior officers working in Kadapa Town for more than six years.

3. As to this, it is the contention of the respondents as could be seen from the reply statement, that the applicant was posted as Steno to the Superintendent of Post Offices of Kadapa only as a stop gap arrangement and more over the office of Superintendent of Post Offices, Kadapa is located in the same premises of the building of Kadapa HPO. According to the respondents he completed his tenure by 23.01.2017 and accordingly he was served with a notice along with 16 other officials proposing transfer. The Transfer and Placement Committee made its recommendations vide minutes dated 21.04.2017 after examining the case of the applicant along with others. The respondent No.3 in pursuance of the said minutes transferred the applicant by memo dated 21.04.2017 posting him as Sub Post Master, Pullampet Sub Office in the Kadapa Division in the interest of service. It is contended by the respondents that in view of requirement of staff in public offices essentially in the public interest the post of Office Assistant at the office of Superintendent of Post Offices, Kadapa Division is kept vacant to man the shortage of staff in the division and the applicant being the junior among the 15 other officials is rotated and posted as Sub Post Master, Pullampet SO in the interest of service. Therefore, they sought to dismiss the OA stating that the transfer is a rotational transfer and not prompted by any malafides nor with a view to accommodate any other official.

4. We have heard Sri B.Gurudas, learned counsel for the applicant and Smt.K.Rajitha, learned Senior Central Government standing counsel for the respondents.

5. Now the point for determination in the present OA is whether the impugned transfer is liable to be set aside, having regard to the contentions put forth by the applicant in his OA.

6. The policy guidelines indicate that on completion of post tenure / station tenure the employee will be subjected to rotational transfer. For the purpose of rotational transfer as can be seen from the transfer guidelines, the post tenure as well as the station tenure will be taken into consideration. The applicant completed the required tenure though in different capacities in the division of Kadapa. Therefore, there is no substance in the contention that the applicant was subjected to rotational transfer even before he completed the tenure prescribed under the transfer policy of the department. Further the rule relating to post tenure / station tenure is not without any exemption. For the sake of administrative convenience, an employee can be transferred to any place in deviation from the transfer policy of the department.

7. It is well settled that the Courts or Tribunals shall not interfere with the transfer of employees unless the same is malafide, illegal or in violation of any statutory rules. In the instant case the applicant though alleged malafides, he is not able to establish the same by placing on record any material or by showing any circumstance in support of his contention.

8. For the foregoing reasons, we absolutely see no merit in the OA and the same is dismissed. Consequently the M.A.No.706/2017 shall stand disposed of. There shall be no order as to costs.

(MINNIE MATHEW)
MEMBER (ADMN.)

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

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