

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 045/00003/2019.

Date of Order: This, the 3<sup>rd</sup> Day of January, 2019.

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER**

Shri Naresh Kr. Sharma  
Sub Postmaster, Dirang – 790101  
S/O Late Chaman Lal Sharma  
Dist. – West Kameng, Arunachal Pradesh

...Applicant.

By Advocate: Mr.D.N.Sharma

-versus-

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Communication & IT  
Department of Posts, Dak Bhawan  
New Delhi – 11001.
2. The Chief Post master General  
N.E. Circle, Shillong – 793001.
3. The Director Postal Services  
Arunachal Pradesh Division  
Itanagar – 799001.

... Respondents

By Advocate: Mr. R.Hazarika, Addl. C.G.S.C.

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**O R D E R (O R A L)**

**MANJULA DAS, MEMBER (J):**

By this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 the, applicant is seeking following relief(s):-

“8.1 The Hon'ble tribunal be pleased to direct the respondents to set aside and squash the impugned transfer order No. Memo No. B-2/43-3/vii (part ii) dated 19.12.2018 (Annexure – 1) issued by the Respondent No. 3 transferring the applicant to Jung S. O.

8.2) Any other relief (s) which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.”

2. Mr. D.N.Sharma, learned counsel for the applicant submits that applicant is working as Sub Post Master, Dirang Sub Post Office in Arunachal Pradesh Division. According to the learned counsel, the applicant had completed his tenure of three years at Dirang, however, as he was not transferred from Dirang immediately after completion of tenure he admitted his son Shri Bikash Kumar in Class Viii in KV, Dirang, West Kameng and his academic session will be over in April, 2019. His elder son is also studying in DIET, Dirang and his course will be

completed in June, 2020. Learned counsel further submits that vide impugned order dated 19.12.2018 applicant has been transferred to Jung Sub Post Office which is more than 100 kilometer away from Dirang. According to the learned counsel, if the applicant's transfer is effected, the educational career of his sons will be adversely affected. To substantiate his argument, learned counsel referred to the decision in the case of **Director of School Education, Madras & Ors. vs. O. Karuppa Thevan, 1994 Supp (2) SCC 666.**

3. Learned counsel relying on the transfer policy circulated vide memo no.141-141/2013-SPB-II dated 31.07.2018 (Annexure-A-4) submits that the department has not asked for any option for choice place of posting before issuing the transfer order. According to the learned counsel, applicant has submitted representation dated 24.12.2018 for cancellation of his transfer and the same is pending consideration.

4. Learned counsel accordingly prays that applicant may be allowed to continue in his present place of posting till his academic sessions of his sons are over.

5. Mr.R.Hazarika, learned Addl. C.G.S.C. appearing for the respondents submits that the academic session of the elder son will be completed in June 2020 and applicant cannot be allowed to continue in his present place upto June 2010, however, he has no objection in considering his prayer for allowing him at Dirang till the academic session of his younger son is over.

6. We have heard the learned counsel for the parties, perused the perused the OA and the precedent relied upon. At this stage without hearing the respondents we do not think it proper to direct the respondents to allow the applicant in his present place of posting till completion of DIET course of eldest son till June, 2020. However, his younger son, is minor and is studying at Class VIII in KV, Dirang. If at this juncture, applicant is to move to Jung, her younger son's education and the examination may be adversely affected. In the case of **O. Karuppa Thevan** (supra), the Hon'ble Supreme Court has held as under:-

“Transfer of an employee during mid-academic term is not proper unless exigencies of service are urgent for making such transfer.”

7. In view of the aforesaid law, we are constrained to interfere with the matter, for the time being, and we direct the respondents to allow the applicant to continue at his present place of posting at Dirang till the academic session of his younger son Shri Bikram Kumar is over in April, 2019.

8. OA is disposed of accordingly. There shall be no order as to costs.

**(NEKKHOMANG NEIHSIAL)**  
**ADMINISTRATIVE MEMBER**

**(MANJULA DAS)**  
**JUDICAIL MEMBER**

**/BB/**