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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6284 of 2016

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1. The Union of India through the D.G. cum Secretary, Department of Post, Dak Bhawan, New Delhi
2. The Chief Postmaster General, Bihar Circle, Patna
3. The Assistant Director (Staff), O/o the Chief Postmaster General, Bihar Circle, Patna
4. The Post Master General, Northern Region, Muzaffarpur
5. The Superintendent of Post Offices, East Champaran Division, Motihari
6. The Inspector of Posts, East Sub Division, Motihari

.... Respondents/Petitioners

Versus

1. Rajiv Ranjan Prasad, Son of Late Harendra Prasad, resident of village & PO Bagahi, P.S.- Sugauli, District- East Champaran (Motihari)

.... Petitioner/Respondent

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Appearance :
For the Petitioners : Mr. Sanjay Kumar, ASG
For the U.O.I. : Mr. Rajiv Ranjan Prasad, Advocate
For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 08-08-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 12.08.2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short "the Tribunal") in O.A. No. 654 of 2013, whereby an Original Application filed by the respondent herein (hereinafter referred to as "the applicant") against the rejection of his request for transfer was allowed.

3. The Tribunal directed the present petitioners to consider the request of the applicant for limited transfer in the light of observations made in the order.

4. The applicant before the Tribunal is Gramin Dak Sevak (GDS) but his service is not protected by the provisions of Article 311 of the Constitution of India. The transfer of such Gramin Dak Sevak is in the administrative exigencies and no person can claim transfer as a matter of right.

5. Since the request of the applicant for transfer has been rejected, we find that the applicant cannot seek transfer through the process of the Tribunal.

6. In view thereof, we dispose of the present writ application with liberty to the petitioners to consider the claim of the applicant for transfer in accordance with Rules and instructions and also the administrative exigencies of the Department.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.08.2016
Transmission Date	