

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16385 OF 2025

Ram Niwas Jat,]
Age : About 46 years,]
C/o. 901, Plot No.30, Sec. 15,]
Shri Heights, Ghansoli,]
R/o. 189 Priyavihar Niwara Link Road,]
Jhatwara, Jaipur, Rajasthan-302012] .. Petitioner

Versus

1. Director General,]
Ministry of IT and Communication,]
Department of Posts (Dak Bhavan),]
New Delhi – 110 001.]
2. The Secretary,]
Department of Post (Dak Bhavan),]
Government of India,]
Ministry of IT and Communication,]
New Delhi – 110 001.]
3. Chief Post Master General (MH),]
Department of Posts, Mumbai GPO, Mumbai]
4. The Deputy Director (PO)(Admn.),]
Department of Post, Mumbai GPO, Mumbai]
5. Chief Post Master General (Rajasthan),]
C. Scheme, Jaipur – 302 001.] .. Respondents

Mr. Ram Niwas Jat, the Petitioner is present in-person.

None for the Respondents.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

Reserved on : 14th January 2026

Pronounced on : 13th February 2026

PER, GAUTAM A. ANKHAD, J.

The petitioner who is appearing in-person has filed this writ petition challenging the order dated 11th July 2025 passed by the Central Administrative Tribunal, Mumbai in Original Application No.225 of 2025.

2. The petitioner was appointed as a “Postman” on 27th June 2002 in the Mumbai Division of the Department of Posts. Rule 38 of the Post and Telegraph Manual (“Manual”) provides for two inter-circle transfers. The petitioner was transferred, on his own request, from Mumbai Division to New Delhi Central Division on 28th November 2006 and thereafter from New Delhi Central Division to Rajasthan Circle, Jaipur on 2nd December 2009. On the petitioner’s application, the respondents transferred the petitioner from Jaipur to Mumbai by order dated 18th October 2023, which was impugned by the petitioner before the Tribunal. The petitioner asserts that the third transfer contravenes Rule 38 of the Manual. The Tribunal dismissed his Original Application and hence the present petition.

3. The grievance of the petitioner is that the impugned order upholding his third transfer is contrary to the rules and ought to be set aside.

4. By an order dated 10th December 2025, this Court had offered services of a lawyer through legal aid but the petitioner declined to engage any lawyer. Even today, the petitioner was offered legal services through Maharashtra State Legal Services Authority which he declined.

5. We have considered the materials on record and find no merit in this petition. The Department of Posts, Government of India has issued Guidelines to regulate transfers under Rule 38. Clause (xii) of the revised Guidelines reads as under:

“(xii) Under Rule 38, an official will be eligible for two Inter-Circle transfer and two Intra-Circle transfer during entire service. However, a gap of 3 years shall be mandatory for availing same category of transfer for the second time, but no such gap will be required in case of applying for different category of transfer.

Explanation : An official after availing Inter-Circle transfer shall not be eligible to apply for Inter-Circle transfer before completing three years of service in new unit. However, he/she may apply for Intra-Circle transfer immediately after availing Inter-Circle transfer.”

6. The respondents in their reply in Original Application No.225 of 2025 admitted that in terms of Rule 38, two inter-circle transfers are permissible, which has been availed of by the petitioner. The respondents have launched a web-portal application for receiving and processing transfers in which the employees seeking transfer have to furnish the required information for their transfer. On successful submission of the application, a unique “id” is generated and after completion of the request, an SMS is sent to the registered mobile number of the employee. The employee can then check the status and modify, withdraw or re-submit an updated request. After the provisional approval of the transfer request, the employee can log in and an accept/decline option is available for three days. It is therefore to the applicant to either accept or decline the proposed transfer. If the option is not exercised then the provisional approval shall be deemed to have been accepted by the employee and the transfer orders are issued. The petitioner had already availed of two inter-

circle transfers and willingly applied under Rule 38 to Maharashtra Circle through the web portal which was allowed through the above mentioned process. Hence the petitioner cannot now assail the same.

7. We note that this has been considered by the Tribunal in great detail. The Tribunal has also considered the judgments referred to by the parties in “*Y. Siva S/o. Y. Jayaramulu v. Union of India & Ors.*”¹, “*Shilpi Bose & Ors. v. State of Bihar & Ors.*”²; “*State of U.P. & Ors. v. Gobardhan Lal*”³; “*Union of India & Ors. v. S.L. Abbas*”⁴ and “*Namrata Verma v. The State of Uttar Pradesh*”⁵ and has furnished sufficient reasons for dismissing the petition. The petitioner voluntarily made a request for a third transfer to Mumbai. Even after such a request, on receiving the SMS, he could have exercised the option to decline the transfer. He did not do so and this itself goes to show that the petitioner wanted the transfer at his own request. However, Rule 38 restricts the applicant from seeking a transfer at his own request on more than two occasions. The Tribunal has held that Rule 38 does not restrict the employer from transferring the applicant *albeit* the third time. Upon a specific query, the petitioner was unable to point out any statutory provision or rule which bars the respondents from effecting such transfer. The Tribunal has held that there does not seem to be any legal impediment preventing the respondents from effecting the transfer of the petitioner and the same falls within the scope of the administrative powers of the

1 OA No.630/2023 dt. 19-03-2024 (CAT, Hyderabad Bench)

2 1991 Supp (2) SCC 659

3 Civil Appeal No.409 of 2004

4 1993 SCP (3) 427

5 Special Leave to Appeal (C) No.36717/2021 dt. 6-9-2021 (SC)

respondents. We do not find any illegality or irregularity in the impugned order upholding the petitioner's inter-circle transfer to Mumbai. The Tribunal has also noted the conduct of the petitioner and adversely commented on the same. The Tribunal notes that the petitioner accepted the transfer to Mumbai since there was no Lower Selection Grade promotion in his home town in Jaipur. This shows that the petitioner applied for the transfer to take the promotion in Mumbai. Having accepted the benefits of promotion, the petitioner now cannot challenge the same. This is also a finding of fact and we do not see any reason to interfere with the same.

8. For the above reasons, **Writ Petition No.16385 of 2025 is dismissed.**

9. There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]