

Central Administrative Tribunal  
Principal Bench  
CP 300/2000  
OA 928/2002

New Delhi, this the 11th day of November, 2002.

Hon'ble Shri Kuldip Singh, Member (J)  
Hon'ble Shri M.P.Singh, Member (A)

Sh. Guru Dutta Sharma  
Sub-Post Master  
Mawana  
C/o Sh.Virendra Singh Bisnoi  
Mawana  
Moh. Hiralal, Mawana Meerut.

.... Petitioner  
(By Shri J.M.Sharma, Advocate)

Versus

1. Shri Kaushal Vashisth  
Chief Post Master  
Lucknow.
2. Shri C.S.Rawat  
Sr.Suptd. of Post Office  
Ghaziabad (U.P)
3. Sh. P.C.Joshi  
Senior Superintendent  
Post Office  
Meerut (U.P).

... Respondents  
(By Shri N.K.Agarwal, Advocate)

Order (oral)

By Shri Kuldip Singh, Member (J)

1. Heard.
2. Applicant has filed this OA seeking relief and to quash the order of transfer dated 4.3.2002 when the OA was taken up by the court who passed the order. The main relief sought in pursuant of the order dated 16.4.2002 that the respondents be directed to allow the petitioner to join his service as per the order dated 16.4.2002.
3. The applicant thereafter filed the present CP alleging that the applicant has not been allowed to

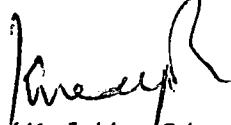
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join at Mawana and stated that the Department has committed Contempt of Court.

4. We have heard the parties and gone through the records.

5. Applicant vide his note had handed over the charge on 1.3.2002 vide Annexure R-1 stating that he had handed over charge on the ground of his sickness but the fact that the respondents state that he was not holding any charge of any post on that date, this was not disclosed in the OA that the applicant was not holding any charge and the order passed by the court was conditional <sup>as</sup> ~~based~~ on 16.4.2002 to the fact that in case he had not been relieved so far he may not be relieved from the post of Postal Assistant, Mawana but the fact that since the applicant was not PA, Mawana on that day he has relinquished the charge and there was no question of relieving by the Department. The Department has simply passed an order on 4.3.2002 which shows that the applicant was to be posted as PA, Member Mawana. There was no disobedience of the order dated 16.4.2002. Hence we find that CP is not maintainable and the same is dismissed.

  
(M.P. Singh)  
Member (A)

  
(Kuldip Singh)  
Member (J)

/Shyam/