

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.1125/98

New Delhi this the 27th Day of September, 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

1. Smt. Kanchan Joshi
2. Shri. Adi Ram
3. Shri Mool Chand Malli

Assistant
Central Secretariat Services,
Department of Posts,
Ministry of Communications,
Dak Bhawan, Sansad Marg,
New Delhi-110 001

At present working in the Department
of Posts.

Applicants

(By Advocate: Shri Jagmeet Singh)

-Versus-

1. Union of India
Through its Secretary,
Department of Posts,
Dak Bhawan,
Parliament Street,
New Delhi-110 001.
2. Union of India,
Through its Secretary,
Department of Telecommunications
Sanchar Bhawan,
Ashoka Road,
New Delhi-110 001.

Respondents

(By Advocate: Shri R. P. Aggarwal with
Shri Rajeev Bansal)

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The applicants, 3 in numbers, are working as Assistants in the Department of Posts, Ministry of Communications. Till 1985, there was a common cadre of Central Secretariat Services for the Ministry of Communications which included the Department of Posts and the Department of Telecommunications. Thereafter, a decision was taken to bifurcate the common cadre in

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distinct cadres for Department of Posts and Department of Telecommunications. Options were given to all of the employees to opt for either of the two cadres. The applicants opted for the Department of Telecommunications. Their grievance is that despite exercise of this option and the fact that they are being shown in the seniority list of Assistants of Department of Telecommunications, they are still being made to work in the Department of Posts. On that basis their submission is that the respondents be directed to treat their options as cancelled and to include them in the cadre of Department of Posts.

2. The respondents in their reply have pointed out that the letter of Administration dated 19.5.1994, Annexure A-1, stipulated that in case the number of optees for one cadre is more than the posts in the grade available in that cadre, the options shall be finalised in accordance with the seniority in the common cadre; the actual shifting may, however, depend on administrative convenience. For that reason the applicants could not be relieved from the Department of Posts. However, as regards the relief claimed, the respondents have raised a plea of limitation that the options were exercised in way back in 1994.

3. We have heard the counsel on either side. The applicants have on one hand alleged that they have been deprived of what they term as "Fringe Benefits" of posting in the Department of Telecommunications and on the other they want their options for transfer to

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Department of Telecommunications to be cancelled. In so far as the exercise of option is concerned, the letter of 1994, Annexure A-1, clearly stipulated that the option once exercised shall be final. There is, therefore, no scope for making any change in that option at this stage. No instances have been cited by the applicants where option once exercised were allowed to be withdrawn by the respondents. There is, therefore, no discrimination against the applicants. We, therefore, find no merit in the submission of the applicants for cancellation on their options.


4. The learned counsel for the applicants vehemently argued that the options had lost any meaning since it had not been put into effect by the respondents. There is, as we have already noted, a provision in the letter of 1994 that the physical transfer of the applicants was made subject to the administrative convenience. We do agree with the learned counsel that so called Administrative convenience does not mean that physical transfer from one cadre to another could be delayed till it becomes meaningless say through retirement. But the prayer of the applicants is not for an early decision on their transfer from the Department of Posts to the Department of Telecommunications, but instead for permanent retention in the Department of Posts. In view of this position, we do not consider it necessary to pass any orders on this aspect of the case.

or



5. In the result, the O.A is dismissed. There is no order as to costs.


(K.M. Agarwal)
Chairman


(R.K. Ahooja)
Member(A)

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