

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Misc. Application No. 290/00062/2020
In
Original Application No.152/2020

Reserved on : 03.11.2020
Pronounced on : 09.12.2020

CORAM

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Ummeda Ram S/o Shri Jag Ram b/c-Jatt Age-52 years
R/o Veer Teja Colony, Near Shitla Mata Mandir, Nagaur
(Rajasthan). Earlier posted as PA at Nagaur HO.

.....Applicant

By Advocate: Mr. Deepesh Singh Beniwal proxy counsel
for Mr Yashpal Khileree, present through VC.

Versus

1. Union of India through the Secretary, Ministry of Communicatio & Info Technology, Department of Post, Dak Tar Bhawan, New Delhi- 110 001.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur-302007.

3. The Postmaster General, Western Region Rajasthan, Jodhpur-342001.
4. Director of Postal Services, O/o Postmaster General Office, Western Region, Jodhpur-342001.
5. The Superintendent of Post Offices, Nagaur Division, Nagaur.
6. The Assistant Director (Staff), O/o The Chief Postmaster General, Rajasthan Circle, Jaipur-302007.

.....Respondents

By Advocate: Mr. K.S. Yadav, present through VC,

ORDER

Per Hon'ble Ms. Archana Nigam, Member (A)

This Misc. Application has been filed by the respondents for vacating the interim order dated 26.08.2020 passed by this Tribunal in OA No.152/2020, whereby the effect and operation of the relieving order of applicant was stayed till the next date of hearing and the respondents were directed to allow the applicant to continue at the present place of posting i.e. Degana, Nagaur Division, Nagaur.

2. Learned counsel for the respondents, Mr. K.S. Yadav, submits that the applicant did not disclose about passing of the order dated 18.05.2020 and action taken in pursuance thereto. But, at the time of arguments for interim relief, learned counsel for the applicant states that the relieving order of the applicant was issued on 03.07.2020 with retrospective effect by treating him stand relieved w.e.f. 18.05.2020 and relying on such contention, the interim order was passed.

The learned counsel for the respondents states that the applicant has not come before this Tribunal with clean hands and taken the interim order by suppressing the material facts from this Tribunal. Thus, he prays that interim relief granted to the applicant may be vacated.

3. Learned counsel for the applicant submits that the order dated 18.05.2020 was never served upon the applicant and only letter dated 03.07.2020 has been served upon the applicant on 10.07.2020 whereby he

came to know for the first time that he has been deemed relieved w.e.f. 18.05.2020. Therefore, it is not correct to say that the applicant has not come with this Tribunal with clean hands. He further submits that the respondents in pursuance of the direction issued by this Tribunal regarding deciding of the representation of the applicant has issued the letter dated 03.07.2020 and wherein they did not disclose the reason for transfer and also there is no administrative exigency involved in the transfer.

He further submits that the impugned transfer order of the applicant has been issued at the instance of Local Member of Parliament of Nagaur. He submits that looking to all scenario of the case, this Tribunal was pleased to pass the interim order in favour of the applicant. Therefore, the present Misc. Application deserves to be dismissed and the respondents may be directed to permit the applicant to join at present place of

posting i.e. Degana, Nagaur Division, Nagaur, in pursuance of the direction of this Tribunal.

4. We have considered the arguments of both the counsels and perused the material available on record. It is seen that vide order dated 13.10.2020 this Tribunal directed the respondents to produce the original record in regard to service of relieving order on the applicant. In pursuance of that direction, the respondents has filed rejoinder annexing all the relevant documents as Annexures-MA/4 to MA/8.

5. From perusal of MA/4 to MA/8, it is not clear whether the transfer order of the applicant dated 18.05.2020 and relieving order in pursuance of that has been served.

6. Further, it is seen that the next date of the OA (Original Application No.152/2020) wherein he has challenged the legality of the transfer order, is fixed as 25.11.2020 and therefore, if we have given any findings

or opinions at this stage upon the impugned transfer order of the applicant dated 18.05.2020, then it will affect the merits of the case. Therefore, looking to the above facts and circumstances of the case, the MA No.62/2020 for vacation of the IR is dismissed. Learned counsel for the respondents is directed to file their detailed reply in the OA at the earliest so that the matter will be heard and decided finally.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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