

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00091/2020

Date of decision: 10.06.2020

CORAM

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

Umeda Ram S/o Shri Jag Ram b/c-Jatt Age-52 years R/o Vir Teja Colony, Near Shitlamata Mandir, Nagaur. (Office Address:- Employed as Postal Assistant at Nagaur HO)

.....Applicant

By Advocate: Mr. S.P.Singh, through video conferencing.

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi- 110 001.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Postmaster General, Western Region Rajasthan, Jodhpur-342001.
4. Director of Postal Services, O/o Postmaster General Office, Western Region, Jodhpur-342001.
5. Superintendent of Post Offices, Nagaur Division, Nagaur-341001.

.....Respondents

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Heard Shri S.P. Singh, learned counsel for the applicant.

2. It is the contention of the learned counsel for the applicant that the applicant who is working as Postal Assistant has been transferred vide order dated 15.05.2020 from Degana Nagaur Division i.e. Western Region, Jodhpur to Kota Division, i.e. Southern Region, Ajmer. It is also the contention of the learned counsel for the applicant that the applicant has been transferred under Rule-37 of Postal Manual Volume -IV, which is not in existence at present. Counsel for the applicant also pleaded that the transfer under Rule 37 of Postal Manual Volume -IV is completely uncalled for as it is against the Fundamental Rules 15 & 22. Counsel for the applicant also states that at this time of lockdown due to Covid-19 pandemic situation wherein the Government has directed all the departments not to transfer any employee till 31st March 2021, the applicant should not have been transferred at this point of time and it will cause lots of hardship to him and his family. Counsel for the applicant states that the transfer of the applicant is on

the basis of some complaint regarding campaigning in favour of any particular political party but he also states that the allegations against him was not proved by the departmental enquiry and in this regard he drew our attention to Annexure A/4. Counsel for the applicant states that the transfer will also effect on his promotion because he will be shifted to bottom seniority in the new place where he has been transferred. The counsel for the applicant states while transferring him, the department has not taken into consideration in regard to academic session. He states that in this regard, he has made detailed representation to the department dated 20.05.2020 (Annexure-A/14). The counsel for the applicant states that at this point, he will be happy and satisfied if a direction is being given to the department to take a reasoned decision on his representation dated 20.05.2020 by passing detailed and reasoned order within a time bound manner.

3. Taking into consideration that the applicant has preferred the representation only on 20.,05.2020 i.e. not even one month has passed, we feel that the applicant should have waited for a little longer before approaching this Court. Accordingly, we direct the respondents (competent authority) to take a reasoned decision on the

representation dated 20.05.2020 preferred by the applicant by passing a detailed reasoned speaking order taking into consideration all the pleas taken by the applicant in his representation within six weeks from the date of receipt of a certified copy of this order. Accordingly, the OA is disposed of at the admission stage without passing any comment on the merit of the case.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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