

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of Nov. 2001.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O. A. No.1327 of 2001.

1. Harindra Bahadur Yadav a/a 38 years s/o Sri Shivji Yadav  
r/o Village and Post Prasadpur, District Ballia.

..... Applicant.

Counsel for applicant : Sri Rakesh Verma.

Versus

1. Union of India through the Secretary, Ministry of  
Communication, New Delhi.  
2. The Senior Superintendent of Post Offices, Ballia  
Division, Ballia.  
3. The Assistant Superintendent of Post Offices, Rasra,  
District Ballia.  
4. Sri Raj Kumar Yadav, Extra Departmental Branch Post  
Master, Prasadpur Post Office, District Ballia.

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the impugned letter dated 13.11.01 issued by Respondent No.2 addressed to Respondent No.3. Further directions have been sought to set aside the engagement of one Sri Raj Kumar Yadav, Extra Departmental Branch Post Master, Prasadpur Post Office, District Ballia on the post of Extra Departmental Branch Post Master, Usasa by disengaging the petitioner. The applicant also seeks stay on the operation of impugned order dated 13.11.01.

2. We have heard Sri Rakesh Verma, Counsel for the applicant and Sri R.C. Joshi, Counsel for respondents.

3.  We find that the applicant is regular incumbent

on the post of Extra Departmental Delivery Agent/Mail Carrier, Usasa Post Office, District Ballia. The Respondent No.2 by letter dated 27.2.01 directed Respondent No.3 to engage the applicant on the post of Extra Departmental Branch Post Master, Usasa Post Office, District Ballia. The applicant in pursuance of the letter took charge of the post of EDBPM on 31.3.01. He was to engage a suitable candidate in order to get himself relieved. The respondents have now ordered that the applicant shall go back to his post and have now given charge to Sri Raj Kumar Yadav, who is regular incumbent as Branch Post Master of Prasadpur, on the post of EDBPM, Usasa.

4. The applicant has come to us alleging that his performance was satisfactory and that his replacing is arbitrary.

5. We are not persuaded that the actions of the respondents are arbitrary. They had made a temporary arrangement earlier by engaging the applicant, who was EDDA/EDMC and now they are making another departmental arrangement by sending the applicant back to his original post of Extra Departmental Delivery Agent/Extra Departmental Mail Carrier. They have altered the temporary arrangement. Since the applicant has not been the regular incumbent of the post of EDBPM, Usasa, we do not find any arbitrariness in such an order and, therefore, the O.A. stands rejected at admission stage. There shall be no order as to costs.

*Raj Kumar*

J.M.

*A.M.*

Asthana/