

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.355 OF 2001
ALLAHABAD THIS THE 22ND DAY OF NOVEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A

Uma Shankar,
son of Shri Bajrangi,
Resident of Village-Afazalpur,
Post-Jangipur,
District-Ghazipur.

..... Applicant

(By Advocate Shri Anand Kumar)

Versus

1. Union of India,
through the Post Master General,
Allahabad Region,
Allahabad.
2. Shri Kariman Singh,
Superintendent of Post Offices,
Ghazipur.
3. The Sub Divisional Inspector (Posts),
Central Sub-Division,
Ghazipur.
4. Shri Komal Singh Yadav,
Son of Shri Ganga Singh Yadav,
working as E.D.D.A./M.C.,
Arakhpur, Account Office Jangipur,
Head Post Office Ghazipur. Respondents

(By Advocate Shri R.C. Joshi & S.P. Lal)

O R D E R

HON'BLE MR. JUSTICE R.R. K. TRIVEDI, VICE-CHAIRMAN

By this O.A. under section 19 of Administrative Tribunals Act, 1985 the applicant has prayed for quashing of order dated 01.02.2001 and order dated 28.02.2001.

2. The facts of the case given rise to this application are that the applicant Uma Shankar was posted as Extra Departmental Mail Carrier at Branch Post Office, Fateh-Ullahapur in District-Ghazipur whereas respondent no.4 was posted as Extra Departmental Delivery Agent-cum-Mail Carrier, Arakhpur, Jangipur, District-Ghazipur. The applicant made an application on 18.05.2000 requesting his transfer from Fateh-ullahapur. He has also prayed that he may be transferred



Arakhpur and for which he ~~shall~~ not claimed any TA and DA.

The respondent no.4 made an application on 17.05.2000 stating that the EDBPM is not permitting him to work personally at Arakhpur and he may be transferred to some other post office. He also stated that he will not claim any TA and DA.

3. In view of the aforesaid applications by the applicant and respondent no.4, Sub Divisional Inspector, respondent no.3 passed an order dated 06.06.2000 transferring the applicant from Fateh-ullahapur to Arakhpur and respondent no.4 from Arakhpur to Sohilapur. The order dated 06.06.2000 was given to the applicant and respondent no.4 had joined on transferred places. The respondent no.4 after sometime made a complaint that the application dated 17.05.2000 was procured by ~~any~~ force and undue influence and the order dated 06.06.2000 may be set aside. The respondent no.2 ~~etc~~ this application, by impugned order dated 17.05.2000 ~~etc~~ set aside, ~~the~~ order dated 06.06.2000, agrieved by which the applicant has approached this Tribunal.

4. The learned counsel for the applicant submitted that the order has been passed without giving any opportunity of ~~any~~ hearing to the applicant and the order is liable to be quashed being in violation of principles of natural justice. It is also submitted by the learned counsel for the applicant that the prayer of the applicant and the respondent no.4 were different and distinct. By order dated 06.06.2000, ~~the~~ applicant was transferred from Fateh-ullahapur to Arakhpur but respondent no.4 was transferred to some other place namely Sohilapur. It was not a mutual transfer and for this reason also transfer of the applicant should not have been cancelled.

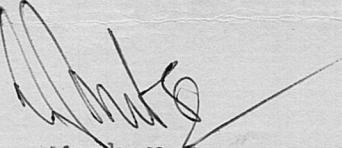


5. The learned counsel for the respondents has filed counter reply wherein he has been tried to justify the order passed by the respondents no.2 but they could not justify ~~the same~~ as to why the applicant was not given opportunity of hearing before passing of the order in accordance with law.

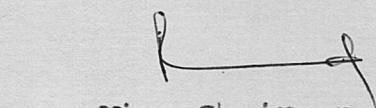
6. In our opinion, the ends of justice require that the impugned order may be set aside and the respondent no.2 may be directed to pass a fresh order after hearing both the sides.

7. For the reasons stated above, this O.A is allowed. The impugned order dated 01.02.2001 and 28.02.2001 (Annexure-I) are quashed. However, the respondent no.2 Superintendent of Post Office Ghazipur-Division, Ghazipur shall pass a fresh order in accordance with law after hearing applicant and respondent no.4.

8. There will be no order as to costs.



Member-A



Vice-Chairman

/Neelam/