

(12)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH**

OA NO.343/2005

Allahabad, this the 18th day of September, 2008

**HON'BLE SHRI JUSTICE M. VENKATESWARA REDDY, MEMBER (J)**  
**HON'BLE SHRI SHAILENDRA PANDEY, MEMBER (A)**

Ram Lekhan Yadav  
s/o Ram Narain  
resident of Village Badaliya  
Post Office - Chauraha  
District - Siddharth Nagar.

... Applicant

(By Advocate: Sh. P.N. Pandey)

Versus

1. Union of India through  
Secretary  
Ministry of Communication and Post Dak Bhawan  
New Delhi.
2. Sub Divisional Inspector,  
Post Office,  
West Sub-Division  
Basti.
3. UP Mandaliya Nirikshak, Post Office - Dumariyaganj  
UP-Mandal, Siddharth Nagar. .... Respondents

(By Advocate: Sh. S. Srivasthava)

**ORDER (Oral)**

**BY JUSTICE M. VENKATESWARA REDDY, MEMBER (J):**

In this application, the applicant is seeking the following reliefs:

(i) pass an order or direction quashing the order dated 22.2.2005 passed by Respondent No.3 (Annexure No.1) to the Compilation-I to the Original Application.

(ii) pass an order or direction to the respondents not to interfere in any manner in functioning of applicant at Dumariyaganj to Gaur Bazar Line.

(iii) pass an order or direction commanding the respondents to permit the applicant and continue on the Dumariyaganj Gaura Bazar Line and pay his salary regularly."

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2. It has taken lot of time for us to understand the case as set out in the OA and also the counter reply of the respondents.

3. The brief facts that emerged after some exercise and hearing arguments of both the sides are as under.

4. The applicant herein was working as Gramin Dak Sewak and Mail Carrier on daily wages. The dak line that was allotted to him for carrying the mails is Dumariyaganj to Gaura Bazar. While so, by the impugned order dated 22.02.2005, he was shifted to Bhandria Manikagnj which is situated in Dumariyaganj Sub-Division. In his place, one Shri Jagdish Prasad, GDS is posted at Gaura Bazar (Dumariaganj). The impugned order stipulates that no wage bill in respect of an outsider shall be payable and no one should be asked to work for more than 5 hours on the Dumariyaganj Byara Line to Dumariyaganj Gaura Bazar Line, and that the above arrangement would be with immediate effect.

5. The learned counsel for the respondents submits when questioned as to what is meant by 'outsider', that the posts of GDS are interchangeable between the three persons and any outsider other than the above three, if engaged on the above lines, shall not be paid. He also further submits that it is exclusive privilege of the respondents to re-deploy the above three persons in between the above lines. Shri Jagdish Prasad being one of the three, is not an 'outsider', as contemplated in the impugned order.

6. Apart from all these, the applicant has no exclusive right to work at a particular place of his choice and he cannot demand that the respondents retain him at a particular line/place and dictated



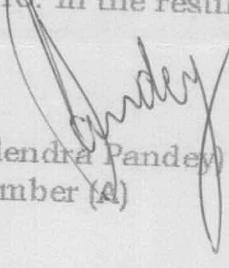
terms to them. In that way, the application is stated to be misconceived.

7. On the other hand, the applicant's counsel states that since he failed to make the pecuniary demands made by the respondents, the applicant has been shifted. We have gone through the pleadings. There are three respondents, which respondent demanded and name of the officer who demanded the money is not stated nor any further details of date or time of demand was mentioned in the OA.

8. The learned counsel for the applicant has drawn our attention to Annexure A7 to the application which is an undated representation made by the applicant, wherein it is alleged that one Mr. Soni, Superintendent of Post Offices demanded money. There are no other particulars furnished in that representation. There is no proof that representation has been sent to any higher authorities. It appears that the allegation of demand for some illegal gratification was alleged only to prejudice the minds of the Tribunal. In fact, the interim order was granted in favour of the applicant.

9. We see no valid reasons to interfere with the impugned order in the above stated facts. The applicant cannot have any vested right to remain at one particular place only. By virtue of an interim order granted by this Tribunal, he has been continuing in this place since last four years.

10. In the result, the OA is dismissed. No costs.

  
(Shailendra Pandey)  
Member (A)

  
(Justice M. Venkateswara Reddy)  
Member (J)