

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00310/2021

HYDERABAD, this the 26th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



1.M.Siva Prasad Babu S/o M.Sambasiva Rao,
Aged about 46 years,
Occ : Sub Postmaster, UGC Works S.O.521 001.

2.Ch. Rajesh S/o Ch. Adiyanarayana Rao,
Aged about 43 years, Occ : Sub Postmaster,
Batchupeta S.O. 521 001.

...Applicants

(By Advocate : Mr. M. Venkanna)

Vs.

1.Union of India represented by its Secretary,
Department of Posts ó India, Dak Bhavan,
Sansad Marg, New Delhi ó 110001.

2.The Chief Postmaster General,
A.P.Circle, Krishna Lanka,
Vijayawada ó 520013.

3.The Director of Postal Services,
Vijayawada Region, O/o The Postmaster General,
Vijayawada Region, VIJAYAWADA 520003.

4.The Superintendent of Post Offices,
Machilipatnam Division,
MACHILIPATNAM ó 521001.

....Respondents

(By Advocate : Mr.M.Venkata Swamy, Addl.CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The O.A. is filed in regard to the transfer of the applicants.

3. The brief facts of the case are that the applicants were appointed as Postal Assistants in 1997 and were promoted to the Lower Selection Grade on 4.5.2018. The draft seniority list of Postal Assistants for the years 1992 to 2000 was issued on 19.4.2018. The final seniority list of the LSG cadre was issued on 04.05.2018. The applicants were shown as juniors in LSG cadre on the ground that the Z register which had to be maintained at the time of their recruitment was not available. Consequently, since the applicants are shown as juniors, they are liable to be transferred in the ensuing rotational transfers for the year 2021. The applicants have filed OA No.901/2020 in regard to the seniority in LSG cadre, which is pending adjudication. The prayer of the applicant is that since the seniority is not properly fixed, they would be transferred in the ensuing rotational transfers and hence the O.A.

4. The contentions of the applicants are that the Circle Gradation Lists for the cadre of Postal Assistants prepared in 1992, 2000 & 2001 were not circulated. However, the Circle Gradation List in PA cadre finalized up to 31.12.2000 was circulated on 19.4.2018. The applicants, though seniors, have been placed at the bottom of the list. Placing the applicants at the bottom of the seniority list would affect their promotion to the grade of HSG-II & HSG-I. The 1st applicant was transferred in the year 2018 and

was posted as Lower Selection Grade Sub Post Master. The applicant was promoted to the Lower Selection Grade consequent to cadre re-structuring undertaken by the respondents. The applicants filed OA No.475/2018 challenging the decision of the respondents in not granting them transfer to their choice place. Later, the O.A. was withdrawn on 28.5.2018. The applicants are Union office bearers and hence, they enjoy immunity. However, on withdrawing the OA No.475/2018, the applicants were given the place of their choice but under the clause of immunity granted to the Union leaders. The applicants represented on 3.6.2020 for extension of tenure.



5. The respondents in their reply statement state that the draft seniority list in PA cadre from 1992 to 2000 was circulated on 20.4.2018. The Z Register of 1995-96 could not be traced despite best efforts to fix the seniority of the applicants. The applicants have filed OA No.475/2018, which was dismissed as withdrawn on 11.6.2018. After the dismissal of the O.A, again after two years, the applicants have filed OA No.901/2020 for granting seniority. The records pertaining to 1995-96 recruitment year are not available excepting the list of selected candidates with indication of their community and the place of posting. The Circle Gradation list for the years 1992-2000 was circulated on 19.4.2018 and the applicants were promoted to the Lower Selection Grade and posted in the same position at Machilipatnam town. The notification for rotational transfers was issued on 1.4.2021, seeking options for the employees to transfer them as per rules. The applicants have been working in and around Machilipatnam for many years and, therefore, on long standing basis, they have to be transferred.

Respondents also state that whenever the rotational transfers notification is issued, the applicants file O.As before the Tribunal. Only notification for rotational transfers has been issued and so far no transfer has been ordered and hence, there is no cause of action for the Tribunal to adjudicate.



6. Heard both the learned counsel and perused the pleadings on record.

7. I. The applicants were appointed as Postal Assistants in 1997 in the respondent's organization. They were promoted to the LSG cadre on 01.04.2018. However, in regard to fixation of their seniority in LSG cadre, their grievance is that they have been shown as juniors for the reason that the respondents could not locate Z register, which was supposed to be maintained at the time of their recruitment in 1995-96. The respondents admit that they are unable to trace the registers and that OA No.901/2020 has been filed before this Tribunal, which is pending adjudication. The grievance of the applicant is that though they are senior, they are liable to be transferred in the ensuing transfers of 2021.

II. We have gone through the facts of the case and we observe that transfers are not merely based on seniority but other factors also do come into play. The respondents have given details of postings of the applicants in the Postal Division where they are working. The details are furnished hereunder:

S.No.	Name & Designation of the official	Previous Tenures	From	To
1	M Siva Prasad Babu, SPM UGC Works TSO	PA, Machilipatnam HO	27.04.1997	29.06.2001



		PA, Chilakalapudi SO	30.06.2001	29.04.2005
		PA, Machilipatnam HO	30.04.2005	04.02.2008
		OA, Div. Office	05.02.2008	26.09.2013
		PA, Machilipatnam HO	27.09.2013	30.07.2017
		SPM, Inagudurupeta TSO	31.07.2017	16.07.2018
		SPM, UGC Works TSO	17.07.2018	till date
2	Ch.Rajesh, SPM, Batchupet SO	PA, Machilipatnam HO	27.04.1997	31.05.2001
		PA, Avanigadda HO	01.06.2001	02.07.2001
		PA, Chilakalapudi SO	03.07.2001	15.06.2003
		PA, Machilipatnam HO	16.06.2003	30.06.2007
		OA, Div. Office	01.07.2007	21.06.2011
		PA, Machilipatnam HO	22.06.2011	23.02.2012
		PA, Chilakalapudi SO	24.02.2012	06.06.2016
		SPM, Brahmapuram SO	07.06.2016	16.07.2018
		SPM, Batchupet SO	17.07.2018	till date

III. As seen from the above table, we find that both the applicants have been working in and around Machilipatnam for long years. The transfer guidelines issued by the respondent's organization on 17.1.2019 state that applicants, who complete post tenure of 3 years and station tenure of 6 years are liable to be transferred. In the case of the applicants, they have spent more time than is allowed. However, in between they have enjoyed the immunity granted to them as Union office bearers in regard to their choice of posting. Nevertheless, it would not be appropriate for the Tribunal to intervene on their behalf when they have been posted for many years in and around Machilipatnam. Besides, we also note that the respondents have only issued a notification dated 1.4.2021 for rotational transfers for the year 2021. There have been no orders of transfer issued till date. Hence, there is no cause of action as of now to intervene by this Tribunal. Nevertheless, we direct the respondents to examine their

grievance in regard to transfers proposed in the ensuing rotational transfers as per the relevant rules and law.

With the above direction, the O.A. is disposed of. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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