

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /415/93
T.A. No.

DATE OF DECISION 18.1.1994

Mukesh Kabirbhai Waghela Petitioner

Mr. B. B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Mukesh Kabirbhai Waghela
Aged about 33 years
Occupation: Service,
Add: Nr.Suryavandna House,
2-Bhidbhanjan Society,
Natrajnagar, Raiya Road,
Rajkot.

.... Applicant.

(Advocate: Mr.B.B.Gogia)

Versus.

1. Union of India, through
Secretary,
Department of Posts,
Government of India,
New Delhi.
2. Postmaster General
Rajkot Region,
Department of Posts,
Rajkot.
3. Senior Postmaster,
Rajkot Head Office,
Department of Posts,
Rajkot.

..... Respondents.

Mr.
(Advocate: /Akil Kureshi)

ORAL ORDER

O.A.No. 416/1993

Date: 18-1-1994.


Per: Hon'ble Mr. V.Radhakrishnan, Admn. Member.

Heard learned advocate Mr.Gogia,
learned advocate for the applicant. Mr.Akil Kureshi,
learned advocate for the respondents. It appears
that the applicant was working in Jetpur Post Office
in Gondal division as a Peon and applied for transfer
to Rajkot division and by communication dated 8.1.93
the Director, Postal Services, Rajkot division had
approved the transfer of the applicant and his name

was to be brought in the waiting list in the request register and the official was if he intimated the serial number in the waiting list. Subsequently, the Sr.Post Master, Rajkot by his order dated 04.5.1993 relieved the applicant and directed him to join at Rajkot in the retirement vacancy of one Shri T.D.Lotia, After some time, the applicant received an order dated 23.7.1993, transferring him back to Gondal division, and hence, this present O.A. has been filed against this order. The grievance of the applicant is that once he had joined at Rajkot by a valid and proper order, he has been retransferred to Jetpur without any opportunity given to him to represent against it. The retransfer would adversely affect him in all ways, in physically and financially. Incidentally, he is a ST employee belonging to Rajkot. On behalf of the respondents, it is stated that the Sr.Post Master, Rajkot, had issued the original transfer order of the applicant from Jetpur to Rajkot. According to the respondents, he had no authority to issue the same and it was a mistake which was later on corrected as the applicant is not the senior most among volunteers for transfer to Rajkot and he is at Sr.No. 9 in the waiting list. In other words, there are eight persons above him waiting for transfer to Rajkot.

2. It is not known as to how Sr.Post Master

has issued the order especially mentioning that the applicant was to join Rajkot Post Office vice one Shri T.D.Lotia, who retired and on the retired vacancy. After issue of this order the applicant reported at Rajkot and serving there for nearly 3 months. There his transfer order was cancelled and he was retransferred to Jetpur. The applicant has a genuine grievance that he has reported Rajkot only recently and again his retransfer would be hardship to him. The learned advocate for the applicant mentioned that according to his information a number of vacancies in Class IV for ST are available in Rajkot and the applicant could have been, adjusted there itself without retransferring him to Jetpur. This case required be looked into by the C.P.M.G., Rajkot as the applicant has been made to suffer for no fault of his. Accordingly, it is directed that C.P.M.G., Rajkot may reconsider the whole matter treating this O.A. as a representation along with any supplementary representation applicant may like to make taking into account the vacancy position for the Peon (ST) in Rajkot and take a decision in the matter within 4 weeks from the date of receipt of this order. In view of the above directions, the application stands disposed of with liberty to the applicant to seek redress, according to law in case he feels aggrieved by the order of C.P.M.G., Rajkot. No order as to costs.


(V. Radhakrishnan)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

①, Application No. 416/93 of 19
Transfer Application No. _____ Old W.Pett No.

CERTIFICATE

Certified that no further action is required to be
taken and the case is fit for consignment to the Record
Room (Decided)

Dated : 31/1/94

Countersigned :

M. K. Desai 31-1-84
Section Officer/Court officer

[Signature]
Signature of the Dealing
Assistant

CAUSE TITLE.....OA/446/93.....OF 198 .

NAMES OF THE PARTIES..... M. K. Waghela.....

407 205

[illegible]