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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO: 179 OF 1990.

Date of decision : 5th November, 1990.

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Bira Deep and Others : Applicants

Versus

Union of India and others : Respondents

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For the applicant : Mr. A.C. Das, Advocate,

For the Respondents : Mr. A.K. Mishra, learned Sr.
Standing Counsel (Central)

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To Be referred to the reporters or not ? No.
3. Whether Their Lordship's wish to see the fair copy of the Judgment? Yes.

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JUDGMENT

B.R.PATEL, VICE-CHAIRMAN

The facts of this case, in brief, ^{are} is that erstwhile Bolangir Postal Division was bifurcated in the year 1988 into two Divisions namely Bolangir and Kalahandi Divisions. The bifurcation has taken effect from 14.11.1988. Consequent upon bifurcation, the employees were asked to indicate their options for working in any division. In response to the letter asking for options, 36 persons exercised their options to come over to Bolangir Division. The seven applicants are included in the list of these 36 optees. Due to lack of posts only two optees were accommodated in Bolangir Division. ~~Remaining 34 could be~~ ⁴⁴ ~~but~~ subsequently ^{be} adjusted. The relief sought by the applicants is that they should be adjusted against subsequent vacancies in the New Bolangir Postal Division and such vacancy should not be filledup by direct Recruitment.

2. The Respondents have maintained in their counter that the cases of the applicants for absorption in New Bolangir Division will be taken up according to administrative convenience and this point was made clear in Paragraph 21 of the office orders of the Postmaster General Orissa dated 8.11.1988 which provides that the officers will continue where they are working but their option should be called for and kept on record for future

Deshmukh

action.

3. We have heard Mr. A.C.Das learned Counsel for the applicant and Mr. A.K.Misra, learned Senior Standing Counsel (Central) for the Respondents and perused the papers. Mr. Das made the following two points (1) the applicants should be posted to the New Bolangir Division as and when vacancies arise and that their seniority in coming to the New Division should on no account be adversely affected. The points made by Mr. Das are reasonable. However, we would like to lay down that a list of the optees ^{who} ~~should~~ still remain to be brought over to the New Bolangir Division ~~and~~ should be maintained according to their seniority and as and when vacancy would arise in New Bolangir Division, they should be brought according to their seniority as per the list drawn up. On their being posted to Bolangir Division it should be ensured that they should not suffer on any account by loss of seniority. In other words, they should maintain their original seniority i.e. Seniority in the erstwhile Bolangir Division ~~inter se~~. We would further lay down that if vacancies earmarked for reserved candidates would arise then only persons belonging to the reserved category should be posted against those vacancies irrespective of their seniority and further that the resultant vacancy in the Kalahandi Postal Division will be filled up by direct

Final

recruitment or otherwise as per rules.

4. This case is accordingly disposed of.

No costs.

MEMBER (JUDICIAL)

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty