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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO: 103 OF 1990.

Date of decision : May, 24, 1990.

1. Shri Adhikanda Behera, S/o. Banchhanidhi Behera, At/PO: Baradihi, Dist: Puri, At present working as Overseer Khurda Head Post Office, At/PO: Khurda, Dist: Puri.
2. Shri Jati Mallick, At/PO: Khajuria, Via: Basudeipur, Dist: Puri, at present working as Cash Overseer, Puri Head Post Office, At/PO/Dist: Puri.
3. Shri Ullash Ch. Samantaray, S/o. Late Bauribandhu Samantaray, Village: Manikpur, Po: Pratap, Via: Banapur, Dist: Puri, at present working as Cash Overseer Nayagarh Head Post Office, At/PO: Nayagarh, Dist: Puri.
4. Shri Kasinath Moharana, S/o. late Biswanath Moharana, At/PO: Marikrushnapur, Via: Nayagarh, Dist: Puri At present working as Overseer, Nayagarh Head Post Office, At/PO: Nayagarh, Dist: Puri.
5. Shri Balunki Sitha, S/o. Uttam Sitha, At/PO: Mohabir Sahi, Via: Dasapalla, Dist: Puri. At present working as Overseer and S.G. Postman under Sub-divisional Inspector (P) (Nayagarh West Sub-division) At/PO: Nayagarh, Dist: Puri.
6. Jugal Charan Sahu, S/o. Late Gopinath Sahu, At/PO: Jemadeipur, Patna, PO: Mandhatapur Dist: Puri, at present working as Overseer and S.G. Postman under S.D.I. (P) Nayagarh East Sub-division, At/PO: Nayagarh, Dist: Puri.

..... Applicant

- Versus -

1. Union of India, represented by the Director General (Posts) India, Dak Bhawan, New Delhi.
2. Post Master General, Orissa Circle, At/PO: Bhubaneswar-1, Dist: Puri

Manohar

3. Senior Superintendent of Post Offices,
Puri Postal Division, At/Po: Puri,
Dist:Puri.

..... Respondents.

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For the applicant : Mr. Pradipta Mohanty, Advocate
For the respondents : Mr. Aswini Kumar Misra, Senior
Standing Counsel (CAT)

C O R A M:

THE HON'BLE MR. R.BALASUBRAMANIAN, MEMBER (ADMN.)

A N D

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

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 Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

N. SENGUPTA, MEMBER (J) This is an application by 6 persons whose case is that they were initially appointed in Gr 'D' of the Puri Postal Division and in due coursecame to promoted to grade of Mail/Cash Overseers, Head Postmen, Reader Postmen and Sorting Postmen and their promotions to that grade were approved duly by respondent No.3. In December, 1987 it was decided to reorganise that cadre by withdrawing Mail Overseers

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from the offices of S.D.I. (P) whose jurisdiction was confined to urban areas only and to limit the ^{number} ~~member~~ Mail Overseers of the offices of S.D.I.s (P), other than those whose jurisdiction is ~~confined~~ urban areas, to 2. On 10.12.1987 the D.G.Posts issued a circular letter directing that there would be no re-enforcement in the combined cadre of Selection grade Postmen and Postmen, but the surplus Mail overseers would be adjusted against the future vacancies in the cadre of S.G.Postmen/Postmen (Annexure-2). In pursuance of the directions of the D.G.Posts, Respondent No.2 issued Annexure-4 whereby he directed that all those persons who have been posted as Overseers etc should not be reverted either temporarily or permanently but Respondent No.3 in disregard of Annexure-4, by Annexure-5 dated 5.3.90 reverted them (applicants) and issued orders posting them as S.G. Postmen at various places in Puri Postal Division. They have prayed for quashing Annexure-5.

2. The respondents in their counter have not disputed almost all the factual aspects of the case of the applicants, but according to them respondent No.2's letter Annexure-4 cannot be interpreted in the manner the applicants want, at any rate Annexure-4 to some extent conflicts with the directions of D.G. Posts in Annexure-2. They have also averred that no person junior to any of the applicants still continues in the grade of Mail/Cash Overseers etc. The respondent have annexed copies of some

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correspondence between the Post Master General, Orissa Circle and the Superintendents of Post Offices and also a copy of the instructions issued by the Directorate of Posts in implementing the agreement arrived at ^{between} the official side and the staff side of the Postal employees with regard to creation and abolition of some Posts.

3. We have heard Mr. Pradipta Mohanty for the applicants and Mr. A.K.Misra for the Respondents. During the course of hearing the applicants have been unable to show that any person junior to any of them in the cadre of overseers etc. is still continuing in the cadre, therefore the plea of the applicants that they have been discriminated against is untenable.

4. The learned counsel for the applicants has very strenuously contended that the reversion of the applicants to the grade of Selection Grade Postman/Postman is unconstitutional and offends the instructions of the Post Master General, Orissa Circle. No doubt the appointments by promotion of the applicants had been approved, ^{but} by their tenure in that cadre was to be so long as Posts were available. On the abolition of Posts, which can be readily inferred from Annexure-2, they cannot claim to continue in that cadre unless of course their juniors have been retained in the cadre. Just above it has been shown that the allegation of ^{of} allowing the juniors to the applicants to continue in the grade of Overseers etc. cannot be accepted, therefore, they

*Memorandum
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became surplus and had to be adjusted. Since the applicants were promoted from the feeder cadre of Selection Grade Postman/Postman they could only ^{-be-} reverted to that cadre. The cadre of Postman and Selection Grade Postman must have a strength, by the reversion of the surplus Mail Overseers, unless the cadre strength of Postman/Selection Grade Postman is increased, some of the junior most officials in that cadre were bound to be thrown out of employment. This the Director General of Posts by Annexure-2 forbade and directed that the reverted surplus Mail Overseers were to be adjusted against the future vacancies in the cadre of Postman.

5. Almost the self same contentions as raised in O.A.No.87 of 1990 have been raised in this application as well and they have been dealt with in the judgment delivered in that case so, it is unnecessary on our part to repeat them here.

6. During the course of hearing Mr. Mohanty has submitted that by Annexure-5 some of the applicants have been transferred to places other than their units of appointment. There is no pleading in this respect either in the application or in the counter, therefore, except observing that if any rule relating to units of some appointment has been violated by the orders of reversion and posting, the Department should look into it and the applicants or any of them in case of they/he are/is aggrieved may approach for

*Revised copy
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relief in an appropriate application, pass any specific order.

7. The prayer for quashing of Annexure-5 is refused. The application is disposed of to the observations. No costs.

D. Baskaran
..... 15/5/90
MEMBER (ADMINISTRATIVE)

Alka 23.5.90
..... MEMBER (JUDICIAL)

