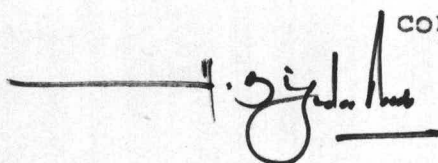


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Office. In reply, Shri Biswal requested the Senior Superintendent of Post Offices, in March, 1994, to retain him in 'Nimapara' due to the sickness of his wife and other problems of household. In May, 1994, the applicant was transferred and posted as Sub-Post Master, Dolabedi Chhak Sub Post Office. Aggrieved by the said order the applicant filed this Original Application on 14th May, 1994, after a representation submitted by him had been turned down by Respondent No.1 a week earlier.

2. The applicant prays for the quashing of the aforesaid order issued by the Senior Superintendent of Post Offices, Bhubaneswar Division, vide his Memo No. B-12-1/94 dated 12th May, 1994. The prayer is based on the following grounds:

- i) He is the senior-most H. S. G. II official in the Division .
- ii) He was heading a Sub-Post Office which had four Postal Assistants on its staff, and where he had the powers to recruit subordinate staff and to initiate disciplinary action against them .
- iii) As SPM, Nimapara, he was provided with rent-free residential quarters as a condition of service .



- iv) The official posted to succeed him as Sub-Post Master, Nimapara, Shri P.C.C. Panigrahi, is junior to him by several places, having been promoted to H. S. G. II at a much later date.

3. The Respondents state in their counter affidavit that -

- i) the applicant had stayed in Nimapara Sub Post Office for nearly six years, as against the normal tenure of four years;
- ii) it is not generally desirable, or even permissible, to retain officials beyond normal tenures;
- iii) promotions under Biennial Cadre Review are merely in recognition of completion of certain number of years viz., 16 and 26 years, and not necessarily a ranked or graded promotion essentially carrying an obligation to post ^{an official} in a particular post or in a higher capacity. In fact, in most cases officials so promoted would continue to work in the same office and

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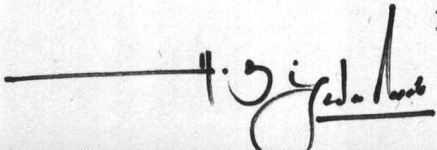
continue to discharge the same functions as before ;

- iv) that it is not possible always to differentiate jobs as supervisory or operative, and ^{to} post officials accordingly;
- v) that these duties are interchangeable, at times depending on status of the office and number of staff therein.

They also refute that as Sub Post Master, Nimapara S. O., the applicant had power to recruit subordinate staff. It is also stated that free residential accommodation attached to an office is not an invariable condition of service and there are numerous instances when Sub Postmasters cannot be provided quarters on account of paucity or non-availability of accommodation. They point out that some other officials in the same H. S. G. II are also working in operative wings. As regards Shri Panigrahi, the respondents state that even though he may have been promoted to H. S. G. II on a subsequent date than the applicant, he is, nevertheless, in the same grade and is not ineligible to be posted as Sub-Post Master, Nimapara S. O.

4. The basic grievances in this case are two-fold:

Nimapara Sub-Post Office is the principal



Post Office in the town whereas Dolabedichhak Sub Post Office is a single handed C Class no-delivery town Sub Office.

Neither of these two offices is, however, under the "jurisdiction" of the other. Both are under Bhubaneswar G. P. O for accounts, and under the Senior Superintendent of Post Offices for administrative purposes. Be that as it may, the applicant was shifted from an important post office in the town to a single-handed post office in Nimapara, which, incidentally, is said to be applicant's home town. This would seem to be the main basis of his grievance.

(ii) The applicant had expressed a desire to be retained in 'Nimapara'. While making this request he had obviously meant Nimapara Sub Post Office, but the Respondent No.2 took the request to mean that the applicant wanted to be retained in the same town and not necessarily in the same Office, and finding it not possible to extend his tenure beyond the period of six years which he had already spent there, the Senior Superintendent of Post Offices evidently decided to meet the request of the applicant by shifting him to the only other office in the town. This explains the approach and the rationale of the authorities but the resultant decision is not to the applicant's liking and is at the bottom of the his main grievance.

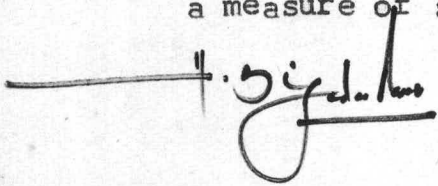
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5. While not doubting or questioning the bonafides of the decision taken by the authorities, it looks a trifle odd, at the same time, to send a senior official with sufficient experience to man a no-delivery town Sub Office. At best it would amount to an oddity, but at the least it would mean underutilisation of experience. It is possible that officials promoted under time-bound cadre review schemes may not always find a suitable 'supervisory' berth appropriate to their seniority. Nevertheless, it is in the interest of the administration to ensure that the services of a senior and experienced supervisor are not underutilised in a single handed Sub Office.

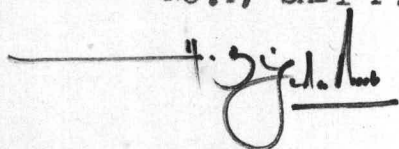
6. I do not doubt that the decision to post the applicant to Dolabedi Chhak Sub Office was actuated by a concern to meet the applicant's request for retention in the same place. It was stated on behalf of the applicant that rather than work in a single-handed no-delivery town Post Office, he would not be averse to being posted out in any other office in a suitable capacity.

7. Under the circumstances, I am of the view that in the interests of both the administration and the applicant, the concerned authorities should respond with a measure of sensitivity to the hopes and feelings of a



very senior official and find for him a suitable vacancy against any of the 26 posts which are said to be available in the Division. While doing so, the fact that the official is due to superannuate in a little more than one year may be kept in view, besides the fact that he may well have some problems, like for example, the illness of his wife to contend with, at his fairly advanced age.

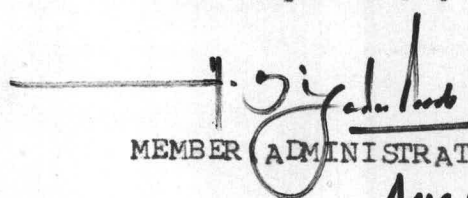
8. The applicant's grievance regarding the posting of Shri P. C. Panigrahi is not purposely discussed since I do not consider it to be a valid ground for the context of the applicant's own claims. It is left to the authorities to post an official in any office as long as his eligibility is not in question. The mere fact that Shri Panigrahi earned the Higher Selection Grade later than the applicant is no ground to quash the order. An effort was made on behalf of the applicant to establish that he was shifted to Dolabedi Chhak Sub Post Office merely in order to accommodate Shri Panigrahi in Nimapara. I do not find this plea acceptable since the applicant himself has stayed on in Nimapara Sub Office much beyond the normal tenure. It is held that Shri Kshetrabasi Biswal, the applicant, has no locus standi to question the posting of Respondent No.4, Shri P. C. Panigrahi.



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9. A suitable decision may therefore be taken within a week of the receipt of this order keeping the above observations in view and such decision may be communicated to the applicant for compliance.

10. Thus, the O. A. is accordingly disposed of.
No costs.


MEMBER (ADMINISTRATIVE)
Aug 94.

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