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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 515 OF 1994.
Cuttack, this the 25th day of June, 1997

Kedarnath Jena Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters *Yes* .
or not?
- 2) Whether it be circulated to all the *NO* .
Benches of the Central Administrative
Tribunal or not?

Somnath Som
(SOMNATH SOM)
25.6.97
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.515 OF 1994.
Cuttack, this the 25th day of June, 1997

C O R A M

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

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Kedarnath Jena, aged about 38 years,
son of late Balaram Jena,
working as Office Assistant, Office of
Superintendent of Post Offices,
Balasore Division,
At/PO/Dist.Balasore ... Applicant.

Versus

- 1) Union of India,
represented by Secretary to Government of India,
Ministry of Communication,
Department of Posts, Dak Bhavan,
New Delhi.
- 2) Chief Post Master General, Orissa Circle,
At/PO-Bhubaneswar, Dist. Khurda.
- 3) Superintendent of Post Offices,
Balasore Division,
At/PO & Dist. Balasore.
- 4) Harihar Bhuyan,
LSG PA, Balasore Head Post Office,
At/PO & Dist. Balasore ... Respondents.

Somnath Som
25-6-97

Advocates for applicant	-	M/s R.N.Naik, A.Deo, B.S.Tripathy, P.Panda, D.K.Sahoo.
Advocate for respondents	-	Mr. Ashok Misra.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application, the petitioner has prayed for quashing

the order dated 4.8.1994 at Annexure-3 of respondent no.3 posting respondent no.4 as Treasurer, Balasore Head Office. There is also a prayer for a direction to respondent no.3 to appoint the applicant to the post of Treasurer, Balasore Head Office.

2. Facts of this case are that the applicant had been transferred from the office of respondent no.3 to Dahamunda S.O. as Sub-Post Master. It is submitted by him that according to the Assistant Director-General, Directorate General, Posts & Telegraphs' circular dated 18.8.1981 selection of official for posting as Treasurer/Assistant Treasurer would be made from amongst eligible officials of the concerned Divisions, namely, the Divisions in the jurisdiction of which the post of Treasurer/Assistant Treasurer lies. If there are more than one Division in any station, the eligible staff of all the Divisions would not be considered but only the staff of the Division in whose jurisdiction the Post Office functions would be considered. It is further submitted that for the post of Treasurer, Balasore Head Office, willingness was called for from the Postal Assistants having not less than five years of experience/service to work as Treasurer in Balasore Head Office, but nobody except the applicant gave option. Notwithstanding this, respondent no.3 ignored the case of the applicant and appointed respondent no.4 as Treasurer, Balasore Head Office, for a period of two years. Therefore, the applicant has come up with

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the prayers mentioned earlier.

3. The official respondents in their counter have pointed out that the applicant was working as Office Assistant in the office of respondent no.3. After completion of his tenure, he was transferred and posted as Sub-Post Master, Dahamunda S.O. which is near his native place. On getting the transfer order, the applicant proceeded on medical leave. In the meantime, for filling up of the post of Treasurer in Balasore Head Office, willingness of eligible persons was called for. No eligible official stationed at Balasore gave his willingness and a senior official, respondent no.4, having satisfactory record of service and fulfilling all terms and conditions of the post was selected and posted as Treasurer in the impugned order. It has also been pointed out in the counter that the applicant did make an application for the post of Treasurer, but his case was not considered as he was not working then in the same station, i.e., Balasore; he had already been posted on transfer to Dahamunda S.O. As his case was not considered, the applicant made a representation to respondent no.2 who considered and rejected the prayer in his order dated 2.8.1994 which is an Annexure to the counter.

4. I have heard Sri B.S.Tripathy, the learned lawyer for the applicant and Sri Ashok Misra, the learned Senior Panel Counsel appearing on behalf of the respondents.

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5. It is clear from the circular dated 18.8.1981 which is at Annexure-1 and which has been quoted in paragraph 4(d) of the application, that for selection to the post of Treasurer, the eligible and willing staff of the Division in whose jurisdiction the post office functions would be considered. As the applicant at the relevant time had been relieved from his post at Balasore and had been posted to Dahamunda S.O., his option for being posted as Treasurer, Balasore H.O. could not have been considered in terms of the circular. It is clear from the averments made in the counter that he gave option only for remaining at Balasore when after completion of his tenure at Balasore, he had been transferred to Dahamunda S.O. As such, there is no merit in his prayer that a direction should be issued to appoint him as Treasurer of Balasore H.O. Moreover, it has been laid down by the Hon'ble Supreme Court that the Tribunal cannot direct the departmental authorities to post a particular person to a particular job. His prayer also fails on that ground. As regards his other prayer for quashing the impugned order at Annexure-3 posting respondent no.4 as Treasurer, Balasore H.O., the departmental authorities in the absence of any candidate giving option to work in that post, had selected respondent no.4 taking into consideration his seniority, eligibility, suitability and other relevant factors. It is not for the

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Tribunal to question the judgment of the departmental authorities in this regard. This prayer, therefore, fails.

6. In the result, the Original Application fails and is dismissed, but under the circumstances, without any order as to costs.

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(SOMNATH SOM)
VICE-CHAIRMAN 25.6.97

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