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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION NO.561 of 1994.

Cuttack, this the 21st day of September, 1994.

P.C. Rout and another ...

Applicants.

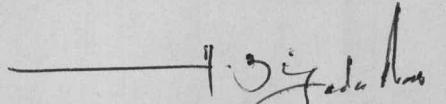
Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? No.
2. Whether it be circulated to all the Benches of No. the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 561 of 1994

Cuttack this the 21st Day of September, 1994

C O R A M:

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

1. Prahallad Ch. Rout, 52 years,
S/o. Late Kali Ch. Rout of
Kaithapal, Dasipur, PS Aul
Dist: Kendrapara
2. Duryodhan Acharya, 54 years, S/o.
Bidyadhar Acharya, Raipur, Baniasahi.
Via: Phulnakhara, Cuttack

Both are serving as Drivers in the
Office of the Sub Record Officer
R.M.S. 'N' Division, Bhubaneswar

Applicants

By the Advocates: M/s. Aswini Kr. Mishra
S.K. Das, S.B. Jena
J. Sengupta, J.P. Rath

Versus

1. Union of India, represented through Director
General of Posts, Department of Posts,
Ministry of Communications, Dak Bhawan,
Sansad marg, New Delhi
2. Chief Post-master General, Orissa Circle
Bhubaneswar
3. Sr. Superintendent, of R.M.S. 'N' Division, Cuttack
4. Sub Record Officer, RMS 'N' Division,
Bhubaneswar

Respondents

By the Advocate: Mr. Ashok Mishra,
Sr. Standing Counsel (Central)

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): In this application, the petitioners,
of
who are Drivers of Mail Motor Service vans, operating in
Bhubaneswar City, pray for the quashing of orders contained
in SS RMS. 'N' Division Memo No. G7/37 dated 12.9.1994
and Sub-Record Officer (HSG-II), Bhubaneswar, Memo No. SRI/
Transfer & Posting/94-95 dated 14.9.1994, whereby the control
of two MMS Vans, together with the drivers (the present applicants),

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was transferred from SSRM 'N' Division/SR0, Bhubaneswar to SSP, Bhubaneswar Division/Sr. Post-master, Bhubaneswar G.P.O. On a scrutiny of the impugned orders, along with Annexure-6 to the application (which is a Demi-Official letter No. M/MV-13/94 from the Assistant Post-master General (Mails) to Respondent 3), it is seen that the change in Administrative - Operative control was necessitated entirely due to internal administrative compulsions. There is nothing inherently objectionable in placing a Mail Motor Service unit or any of its sub-Units under a Senior Superintendent of Post Offices located at a place from where it shall be easier to control its operations. No reflection is surely cast on the Drivers of Mail Motor Service Vehicles merely because of the contemplated change of administrative control. The intention is apparently to achieve increased operational efficiency and better control of Mail Motor Services in the City. If, in the opinion of the Respondents, this aim can be accomplished by placing the operation of the Vehicles under an officer whose offices are served daily by such vehicles, and who is also located in the same station where the vehicles ply on regular or unscheduled trips, there can be no dispute regarding its correctness or validity. The SSRM 'N' Division, being located away from Bhubaneswar, may not, it is felt, be in a position to exercise an equally effective supervision. The reasons which have prompted the contemplated change of control have been spelt-out in the opening para of Annexure-6 to the

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application. The proposed change(s), when viewed against the stated aims and reasons, seem designed to adequately overcome the lacunae noticed at present.

In any case, such is the considered opinion of Respondent No.2 who is in every way competent to perceive, analyse and try to solve operational problems of this nature.

2. The letter from the Director-General cited by the applicants is not relevant to the present case inasmuch as it relates to the turnover/rotation of drivers among units within the Department. That is not the case here. What has been attempted is to transfer a sub-unit of MMS organisation from the control of one officer to another of an equal stature and rank. None of the personal entitlements of the concerned staff are adversely affected in any way.

3. In view of what has been stated above, it is not considered necessary to quash the impugned orders since they do not in any way injure the interest of the applicants, while at the same time ~~they do aim to improve~~ the performance - efficiency of the MMS Service in Bhubaneswar City.

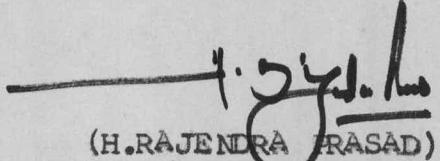
4. The case is, therefore, disposed of with a direction that, unless wholly inescapable in administrative interests, the drivers should not be physically shifted or transferred from Cuttack to Bhubaneswar or vice-versa.

T. S. Jadhav

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5. Shri Ashok Mishra, learned Sr. Standing Counsel (Central) was also heard in the matter.
6. This original application is disposed of accordingly. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//

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