

CENTRAL ADMINISTRATIVE TRIBUNAL.

Cuttack Bench, Cuttack.

ORIGINAL APPLICATION NO.241 OF 1995
Cuttack, this the 23rd day of June, 1997

All India Savings Bank Control
Employees Union and another ...Applicants.

-versus-

Union of India and another ... Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *Yes*.

2) Whether it be circulated to all the Benches *no*.
of the Central Administrative Tribunal or not?

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
Cuttack Bench, Cuttack.

ORIGINAL APPLICATION NO.241 OF 1995
Cuttack, this the 23rd day of June, 1997

CORAM

HON'BLE SRI SOMNATH SOM, VICE-CHAIRMAN.

....

1. All India Savings Bank Control Employees Union, Prashant Vihar, Delhi-110 085, represented through Shri Subhranshu Kumar Mohanty, a Member of the Working Committee, and Circle Secretary of Orissa Circle.
2. Shri Subhranshu Kumar Mohanty, aged 41 years, son of Pratap Chandra Mohanty, at present working as Postal Assistant, Office of Chief Post Master General, Orissa Circle, At/P.O-Bhubaneswar, District-Khurda ..Applicants

-versus-

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Post Master General, Orissa Circle, At/P.O-Bhubaneswar, Dist. Khurda ..Respondents.

Advocates for applicants - M/s R.N.Naik,
A.Deo,
B.S.Tripathy,
P.P.Panda,
D.K.Sahu &
M.P.Jagadev Roy.

Advocate for Respondents - Mr.Ashok Mohanty.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants have sought

*Somnath Som
23.6.97.*

for a direction declaring that Director-General, Posts' letter dated 4.6.1990 is bad in law as it introduces Regional transfer liability for the applicants' cadre. They have also sought for a direction to the respondents to introduce Divisional transfer liability in respect of Savings Bank Control Organisation (SBCO, for short) staff. The facts of this case fall within a small compass and can be briefly stated. Before that, it is to be mentioned that for the Postal Department ~~xxxxxx~~ whole of Orissa is one Circle under which there are three Regions, Sambalpur, Berhampur and Bhubaneswar ; under each Region there are a number of Divisions. The present application has been filed by All India Savings Bank Control Employees Union, which is applicant no.1 represented by applicant no.2 who is the Secretary of the Circle Union.

Jennam 23.6.92.

2. The grievance of the applicants is that in Director-General, Posts' letter No.2-4/87-SB, dated 4.6.1990, transfer liability of staff of SBCO, ICO and CPO, according to the applicants, has been regionalised. According to the applicants, the other staff of Postal Department are liable to be transferred normally within their Division, but in the impugned circular, the transfer liability of SBCO staff has been made Region based. The applicants claim that they are similarly placed as other Postal employees. The independent functioning of the SBCO as an internal audit organisation has

been done away with by bringing it under the Divisional Heads who have been vested with administrative and disciplinary powers over SBCO staff and therefore, they claim that their transfer liability should be within the Division and not from one Division to another Division and from one Region to another Region within the Circle.

3. I have heard Sri B.S.Tripathy, the learned lawyer for the applicants, and Sri Ashok Mohanty, the learned Senior Standing Counsel appearing on behalf of the respondents.

4. Savings Bank Control Organisation was started on 1.1.1961 as an experimental measure by taking over the functions of A.G., P & T Audit. This organisation was made a regular organisation from 1.10.1965 and in all Head Post Offices, staff of the SBCO were posted. This consisted, besides other ranks, of L.D.Cs. and U.Dcs. who were later on converted as Postal Assistants, SBCO. This was done from 1.8.1991. Right from the beginning, the SBCO continued as a Circle Cadre and the transfer liability of SBCO staff is within a Circle. In paragraph 4 of the impugned circular, quoted in paragraph 4(g) of the application, it is clearly mentioned that SBCO cadre will continue to be Circle cadre as prescribed by the Directorate in their letter dated 28.4.1982. As SBCO cadre is a Circle cadre, the transfer

*Somnath Jm
23.6.92*

liability of the SBCO staff is throughout the Circle, i.e., within Orissa. But that does not mean that SBCO staff are always transferred from one Region of Orissa to another Region. By and large, the transfer is confined to a Region itself. In the impugned circular, the transfer liability of the staff of SBCO has not been changed in any way. All that this circular prescribes is designating the different levels of authorities who will transfer the SBCO staff. It has been laid down that transfers within the Region will be dealt with by the Director of Postal Services/Regional Post Master General and inter-Regional transfers will be dealt with by the Chief Post Master General or the Post Master General at the Circle Headquarters entrusted with the responsibilities in respect of the SBCO.

5. From the circular itself, it is clear that by this circular the transfer liability of the SBCO staff has not been changed in any way. Only the authorities who can transfer such staff has been laid down. SBCO being a Circle cadre, transfer liability is throughout the Circle. This is a matter of policy which is within the domain of the departmental authorities and the Tribunal acting under section 19 of the Administrative Tribunals Act, 1985 cannot instruct the departmental authorities for changing their transfer policy. Moreover, as earlier noted, even though the transfer liability is within the Circle, that does not mean

*Somnath Jm
23.6.97*

that SBCO staff are always transferred from one Region to another Region.

6. In consideration of the above, I find no merit in the prayer for a direction that transfer liability of the SBCO staff should be confined to a Division itself, that is to say, they should be transferred only within a Division and not from one Division to another Division within the Region and from one Region to another Region within the Circle. Their other prayer for a direction to the respondents to change the transfer policy is also without any merit.

7. In the result, I hold that the application is without any merit and the same is dismissed, but, under the circumstances, without any order as to costs.

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
23-6-97

AN/PS