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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 307 of 1995

Cuttack this the 28th day of July, 1995

Basanta Kumar Mishra ... Applicant (s)

Versus

Union of India & Others ... Respondent (s)

(FOR INSTRUCTIONS)

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

4.5/2000
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

28 July 95

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 307 of 1995

Cuttack this the 28th day of July, 1995

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

Basanta Kumar Mishra, aged about 54 years
S/o. Late Radhakrishna Mishra,
of Village - Padhawi, PO:Rasol,
Dist: Dhenkanal - at present, Post-master,
Angul Head Post Office, At/PO/Dist: Angul

... Applicant

By the Advocate: Mr. H. P. Rath

Versus

1. Union of India, represented through
the Chief Post-master General,
Orissa Circle, At/PO:Bhubaneswar-751001
Dist: Khurda
2. Post Master General
Sambalpur Region, At/PO/Dist: Sambalpur
3. Superintendent of Post Offices,
Dhenkanal Division, At/PO/Dist: Dhenkanal
4. Balakrushna Bhoi
Sub-Postmaster, Talcher, Dist: Dhenkanal
At present on deputation at Dhenkanal
Head Office, At/PO/Dist: Dhenkanal

... Respondents

By the Advocate: Shri Akhaya Kumar Mishra,
Addl. Standing Counsel (Central)

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): The applicant, Shri Basanta Kumar Mishra, assumed charge of Postmaster, Angul Head Post Office in Dhenkanal Postal Division, on 22nd June, 1993, having been promoted to H.S.G. II grade under the Biennial Cadre Review Scheme in vogue in the Department. On 29th May, 1995, he was transferred and posted as

H. P. Rath

Sub-Postmaster, Bantala (triple-handed time-scale)

Sub-post Office. It is the grievance of the applicant that as per the guidelines issued by the Department regarding the postings and deployment of B.C.R. promotees, he could not be posted to head a time-scale Sub-post Office. He complains that he has not been allowed to complete a full tenure in his present post, questions the impugned posting on the basis of his seniority as well, and also projects certain personal difficulties relating to the education of his two sons.

The move of the applicant was stayed on 16th June, 1995, when the case came up for consideration.

2. The Respondents concede all basic facts as averred by the applicant as regards seniority, postings, etc. They explain, however, that during his tenure as postmaster, Angul, there was maladministration and inefficiency leading to some irregularities and public complaints, and it was clear to them that the applicant was incapable of handling the heavy responsibilities of the post. It was therefore decided to shift him to a nearby smaller office and post him to Bantala, as the distance between the two places is only 16 km. They add that there are twelve norm-based HSG II supervisory posts in the Division besides twelve triple-handed sub post-offices, and HSG II officials promoted under the BCR Scheme have been posted against both types of such posts. There has been no diminution in the

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pay of the applicant and he cannot have any justifiable complaint in this regard.

3. In the guidelines for posting of BCR-promotees to HSG II, the following order of postings was prescribed in order of seniority by D.G., Posts, in letter No.4-4/92/S/B II dated 30.3.1992 :-

- (a) - Norm-based HSG II Postmaster
- (b) - HSG II Sub-postmaster
- (c) - LSG Supervisory posts

awaiting adjustment,

If still there are HSG II officials they will continue to do operative duties and be assigned positions which, considered would contribute in a better manner towards efficiency and better public satisfaction if they are manned by the officials enjoying the higher scales of pay. Viewed against these instructions, the posting of the applicant to a triple-handed sub-post office may not be entirely or strictly incorrect in a purely technical sense, as the item(d) above does indeed cover the impugned transfer.

4. These guide-lines only lay down the broad pattern of initial deployment of HSG II(BCR) promoted officials under ideal conditions. These cannot by any means override or negate the basic requirements of efficiency and public-satisfaction. If, in the considered opinion of the local authorities who are charged with the responsibility of running an efficient public-service in their administrative jurisdiction, the

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posting or continuance of an official in a particular position does not conduce to efficiency of service, the authorities ought to be left free to utilise the services of the official in any manner they consider best as long as it does not affect his monetary interests in terms of pay and allowances. The applicant was indeed given an appointment which should logically belong to the promotees of his grade and seniority. The move, however, proved deleterious to efficiency as well as public-satisfaction, as brought out by the respondents in the counter-affidavit. And in a service-oriented department like the post-office, such shortcomings cannot be ignored for indefinitely long periods. Public satisfaction takes precedence over any real or presumed 'rights' of an individual member of the staff, specially when his pecuniary interests have not been injured in any manner.

5. In view of what has been discussed above, it is not found possible to set aside the orders of transfer of the official. Considering the personal difficulties of the applicant, Respondent 3, shall, however, examine if he can be posted, without detriment to the efficiency or of service interests, to any other charge, office or appointment which would be nearer to Angul than Bantala ^{in short} S.O., a posting that might greatly solve the applicant's problem without in any way impairing the interests of service. This shall be examined and necessary decision taken and communicated to the applicant within

T. S. Jadhav

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thirty days from to-day. The latter shall comply with any decision that may be so communicated to him. Until then, the applicant shall continue to function in his present post.

Thus the Original Application is disposed of. No costs.

H. RAJENDRA PRASAD
MEMBER (ADMINISTRATIVE)

28 JU 95

B.K.Sahoo//