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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 468 OF 1995

Cuttack this the 9th day of February, 1996

TRIBIKRAM SATPATHY

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APPLICANT

VRS.

UNION OF INDIA & OTHERS

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RESPONDENTS

(FOR INSTRUCTIONS)

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

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

09 FEB 96

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO: 468 OF 1995

Cuttack this the 9th day of February, 1996

C O R A M:

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

TRI BIKRAM SATPATHY,
aged about 49 years,
At/Po. Kubedega, Via. Bheden,
Dist. Bargarh ,
at present working as Postman Stamp Vendor,
Jharsuguda Head Post Office,
At/Po/Dist. Jharsuguda. Applicant

By the Applicant : M/s. A. Deo, B.S.Tripathy, P.Panda
M.P.J.Ray, B.Rath, Advocates.

versus

1. Union of India represented by the Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General Orissa Circle, At/Po. Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices, Sambalpur Division, At/PO/Dist. Sambalpur.
4. Sub-Divisional Inspector of Posts, Jharsuguda Sub Division, At/Po/Dist. Jharsuguda.
5. Postmaster, Jharsuguda Head Post Office, At/Po/Dist. Jharsuguda.
6. Postmaster General, Sambalpur, District-Sambalpur.

By the Respondents : Mr. Ashok Mishra, Senior Standing Counsel (Central).

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O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE):

The applicant, Shri Tribikram Satpathy, was selected and appointed L.R. Postman in Jharsuguda Head Post Office in 1991. He represented to the Senior Superintendent of Post Offices, Sambalpur, for a posting which carried lighter duties in view of his indifferent health and also sought a mutual transfer with another official of Jharsuguda Head Post Office under Rule-38 of P & T Manual, Vol. IV. Both the requests were accepted. He was given a transfer applied for by him and the Postmaster, Jharsuguda, deployed him as Departmental Stamp Vendor. The applicant has now been transferred out of Jharsuguda Post Office and posted to the Jurisdiction of Inspector of Post Offices, Jharsuguda Sub-division.

2. The applicant prays for the quashing of Annexure-6 issued by the Postmaster, Jharsuguda, relieving him of duties in the Head Post Office and directing him to report for duty in Jharsuguda Sub-division.

3. The Respondents in their counter affidavit state that one Muralidhar Pradhan was appointed as Gr. 'D' official in Jharsuguda Head Post Office under the quota earmarked for physically-handicapped persons. Pradhan is stated to be a polio patient and is unable to move about at all without the help of crutches. He was, therefore, posted as Stamp Vendor in Jharsuguda Head Office. This posting naturally resulted in the excess holding of one postman in the establishment of the said Head Post Office, since the applicant is actually a postman, but merely working against a Stamp Vendor's Post. The Respondents say that, under the circumstances, it became necessary to shift one postman from Jharsuguda Head Post Office in order to neutralise the excess holding. Since no other official was willing for a transfer from the Head Post Office, and as the applicant happened to be the juniormost among postmen of Head Office, he had to be ordered to be posted out and relieved from the Head Office. It is also mentioned that, prior to implementation of recommendation of IV Pay Commission, the position of D.S.V. and Postman was ~~on par and in~~

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the same cadre and it was, therefore, possible to interchange them. But with the adoption of revised cadres and pay scales in accordance with the recommendations of the IVth Pay Commission, the posts of Departmental Stamp Vendors are in Gr. 'D' whereas Postmen are in Gr. 'C'. Even from this angle, the applicant, a postman cannot any longer continue in the Post of a S.V. which is a lower cadre.

4. The facts of the case are clear. The initial permission given to the applicant, a Postman, to work against a departmental Stamp Vendor's Post was itself incorrect. It would be more objectionable now to allow him to continue to occupy a lower post. It is expected in any case that the applicant has by now recouped his health and has overcome the problem of anaemia in the course of these past few years during which he has been performing lighter duties of his choice. Furthermore, it is also revealed that the person who is now posted to work as Stamp Vendor, is a victim of Polio and is unable to move

H. G. Jadhav

except on crutches. Such being the situation, the request of the applicant cannot be acceded to in any view of the matter.

5. The application, is therefore, disallowed. He will carryout the orders issued by his authorities.

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
09 FEB 96

KNMohanty.