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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 508 of 2003
Cuttack, this the 30th day of September, 2004

Shri Radheshyam Sahu Applicant
Vrs.
Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ✓

Subrat
20/09/04
(M.R.MOHANTY)
MEMBER (JUDICIAL)

Subrat
(B.N.SAM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
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CORAM :

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (J)

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Shri Radheshyam Sahu, aged about 52 years, S/o. Balaram Sahu, Ex-Sub-Post Master, of Panikoili Post Office, at present working as G.D.S. Packer man in Panikoili Post Office, At/ Panikoili, Dist-Jajpur.

..... Applicant

Advocates for the Applicant - M/s. G.N.Mohapatra, B.N. Mohapatra, P.K.Sahoo.

Vrs.

1. Union of India through Director, (E & PN), Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa, Bhubaneswar Circle, Bhubaneswar.
3. Superintendent of Post Offices, Cuttack North Division, Cuttack-1.
4. Head Post Master, Jujpur Post Office, Jujpur.
5. Hrushikesh Patra, Post Master, Panikoili Post Office, Panikoili, Jujpur.

..... Respondents

Advocates for the Respondents - Mr. U.B.Mohapatra (SSC).

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ORDER

SHRI B.N.SQM, VICE-CHAIRMAN

Shri Radheshyam Sahu has filed this O.A. being aggrieved by his redeployment as G.D.S.Packer, Panikoili Sub Post Office and on account of reduction in his remuneration. He has, therefore, approached this Tribunal to issue direction to the Respondents to allow him to continue as Post Master in Panikoili Post Office and to protect his pay and allowances.

2. The case, in a nutshell, is that the Panikoili Post Office which was originally a Extra Departmental Sub Office (EDSO in short), was upgraded to a Departmental Sub Office (in short DSO) w.e.f. 18.1.02. Consequently, the post of GDS SPM was abolished and a post of GDS Packer was created in lieu of that. The details of posts abolished and created consequent upon upgradation of the EDSO is given at Annexure-R/2. On the upgradation of the erstwhile E.D.S.O. the applicant was to be adjusted as a surplus staff and he was to be provided with an alternative job, as per the departmental rules. It is in this context that the Respondents redeployed him as GDS Packer in the same Post Office.

3. The Respondents by filing detailed counter have claimed that under the rules the GDS employees, who are declared surplus are to be provided alternative jobs

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in GDS group only and accordingly, the applicant was given a job as GDS Packer, at the same location. They have also stated that the GDS are paid allowances which are worked out on the basis of the workload of the post concerned. Accordingly, the allowances payable differ from post to post and that the post holder is not entitled to any protection of allowance on redeployment. They have, therefore, opposed the O.A.

4. We have heard the Ld. Counsel for both the parties and have perused the records placed before us.

5. In view of the fact that the GDS post holders are entitled to allowances as worked out in respect of each of such posts and the concept of protection of allowances does not find place in the GDS Service Rules, we see no merit in the prayer made by the applicant. As the fact of the matter being that he was rendered surplus and the Respondents have already given him an alternative employment, we have no hesitation to hold that he has been given full job protection and service facilities, as enshrined under the GDS system.

6. That being the facts of the case, we disposed of this O.A. being devoid of merit. No costs.

Mohanty
30/09/04
(M.R.MOHANTY)
MEMBER (JUDICIAL)

Subrata
(B.N.SOM)
VICE-CHAIRMAN