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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 587 of 2003
Cuttack, this the 3rd day of March 2005

Shri Pramod Chandra Nanda and 3 others

... Applicants

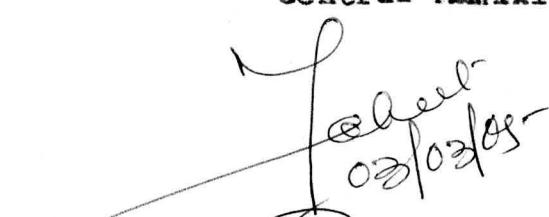
-VERSUS-

Union of India and Others

... Respondents

FOR INSTRUCTIONS

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


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 587 of 2003
Cuttack, this the 3rd day of March 2005

CORAM:

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

AND

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

...

- 1) Pramod Chandra Nanda, aged about 51 years, S/o.Shri Narayan Nanda R/o.Vill.Medinipur at present:Branch Post Master, Kodala Bus Stand Post Office, At/PO.Kodala, Dist:Ganjam.
- 2) Kailash Chandra Panigrahi, aged about 48 years, S/o. Late Sri Gobinda Chandra Panigrahi, at present:Branch Post Master, Phasi Of ice, At/PO;Phasi, Via:Kodala, Dist:Ganjam.
- 3) Anantaram Samantray, aged about 52 years, S/o.Khali Samantray at present:Branch Post Master, Purushottampur Bus Stand Post Office, At/PO :Purushottampur, Dist:Ganjam.
- 4) Manoranjan Sahu, aged about 45 years, S/o.Sri Brundaban Sahu, at present:Branch Post Master Konaipur, Post Office, At/PO :Konaipur, Via:-Khullikote, Dist:Ganjam.

.... Applicants

Advocates for the applicants

....M/s.N.C.Pati, A.K.Mohapatra, S.Masra, N.Singh, B.Dash & M.R.Dash.

Versus-

- 1) Union of India represented through the Director General Posts, At/PO :Dak Bhawan, New Delhi.
- 2) Chief Post Master General, Orissa At/PO :P.M.G. Square, Bhubaneswar, Dist:Khurda.
- 3) Post Master General, Berhampur Region At/PO :Berhampur, Dist:Ganjam.
- 4) Senior Superintendent of Post Offices, Berhampur Division, At/PO :Berhampur, Dist:Ganjam.

.... Respondents

Advocates for the Respondents

.... Mr.U.B.Mohapatra
(R.1 to 4)

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O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN;

This O.A. has been filed jointly by Shri Pramod Chandra Nanda and three others presently working as Branch Post Masters of various Branch Post Offices under Berhampur Division being aggrieved by the order dated 10.3.03 passed by Res.No.4 downgrading the seven EDSO's (Extra Departmental Sub-post Offices) under Berhampur Division into EDBO's (Extra Departmental Branch Post Offices); which included the following EDSO's, namely, Kodala Bus Stand EDSO, Phasi EDSO, Purushottampur Bus Stand EDSO and Konhaipur EDSO where the applicants were working for over 23 years. They have faced reduction not only in status but also in their pay. They have, therefore, prayed for quashing of the orders issued by the Respondents under Annexure-4 and Annexure-5 on the ground that those are illegal, arbitrary and against public interest; to direct the Respondents to permit the applicants to draw their remuneration as they were drawing prior to the order of down-gradation and any other order be passed as would be deemed fit and proper in the facts and circumstances of the case.

2. The facts of the case are not in dispute. However the Respondents by filing a reply in counter dtd. 14.1.04 have clearly stated that the Respondent Department by its policy declaration as contained in their letter No.1-1-86-PRP dtd.18.8.86 had decided long back that more than 500 EDSO's would be down-graded as EDBO's throughout the country. The

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said policy declaration was reiterated in their letter of even number dtd. 3.2.87 and the date of implementation of the policy in the rural areas was set as 28.2.87. The Respondents have submitted that the process of down gradation of the EDSO's has been continuing since. They have also submitted that they have prescribed process of regular review of the work load of these offices to examine retention of such offices and that is how the four EDSO's in which the applicants have been working under Berhampur Division were ordered to be down-graded consequent upon their work-load falling below the bench mark fixed for retention of such offices.

3. They have also clearly disclosed in the counter that although the status of the office in which the applicants are working has been down-graded neither their job nor the level of allowance payable to them has been interfered with. It has also been stated that on abolition of the EDSO's, they were treated as retrenched personnel and have been absorbed as EDBPMs in the same office and their pay has also been protected as per the instructions contained in their letter dtd.13.8.93 at Annexure-R/4. They have, therefore, submitted that the O.A. is without merit as they have already been continuing in service with their respective length of service and full pay protection in the new post of GDSBPM and hence the grounds on which the reliefs have been sought do not exist.

4. Having heard the Ld.Counsel for both the sides, and having perused the records placed before us, we find that

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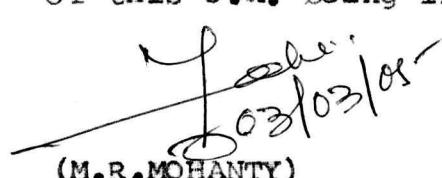
the main grievance of the applicants had already been redressed by the Department in that they have been given the benefit of pay protection and their past service, that is seniority, as GDS having been protected, there is nothing surviving in this O.A. for further adjudication. Before we end we would like to observe that the creation and abolition of posts being based on the business requirement of the Department ~~as well as serving~~ keeping in view the public interest, the Department has formulated a public policy according to which they open or abolish the post offices. Therefore, the plea made by the applicants that closure of a post office is against public interest does not hold good. Here, we profitably refer to the decision of their Lordships in S.S. Dhanoa v/s. Union of India ^(AIR 1991 SC 1745) where they held as follows:

"The creation and abolition of post is the prerogative of the Executive. Article 324(2) leaves it to the President to fix and appoint such number of Election Commissioners as he may from time to time determine."

It was similarly held in the case of Gurdip Singh v/s. Union of India (AIR 1982 SC 1176) that:

"A person has no claim to hold post in the department when a post is abolished."

Hence the allegation of arbitrariness also is devoid of merit. Having regard to the above observations, we dispose of this O.A. being infructuous. No costs.


03/03/05
(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SIRCAR)
VICE-CHAIRMAN

SAN/