

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

Original Application No.908 of 2005
Cuttack, this the 30th day of August, 2007.

Subash Chandra Panda ... Applicant
Versus
Union of India & Others ... 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 CAT or not? NO


(N.D.RAGHAVAN)
VICE-CHAIRMAN


(K.N.K.KARTHIYANI)
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

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C O R A M:

THE HON'BLE MR. N.D.RAGHAVAN, VICE-CHAIRMAN
AND
THE HON'BLE MRS.K.N.K.KARTHIYANI, MEMBER (A)

Shri Subash Chandra Panda, aged about 40 years, Son of Gopal Chandra Panda of Village Pandapatna, Po/Via-Dhusuri, District-Bhadrak, now working as GDS Pkr-Cum-M.C, Puruna Bazar, N.D.T.S.O, At/Po-Dist-Bhadrak.

..... Applicant.

By legal practitioner: M/s. B. Routray, D.K. Mohapatra, P.K. Dash,
D. Mund, K. Shukla, Advocates.

-Versus-

1. Union of India represented through Secretary to Government of India, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist. Khurda.
3. The Superintendent of Post Offices, Bhadrak Division, Bhadrak, At/Po/Dist. Bhadrak.
4. The Director of Postal Services, Orissa, Office of the CPMG, Bhubaneswar, Dist. Khurda.
5. The Sub Divisional Inspector (Postal), Bhadrak West Sub Division, At/Po/Dist.-Bhadrak.
6. Assistant Superintendent of Post I/C, Central Sub Division, At/Po/Dist. Bhadrak.
7. Sub Postmaster, Puruna Bazar, NDTSO, At/Po/Dist. Bhadrak.
8. Sub Postmaster, Dhusuri Sub Post Office, At/Po-Dhusuri, Dist. Bhadrak.

... Respondents.

By legal practitioner: Mr.D.K.Behera, ASC



ORDER

SMT.K.N.K.KARTHIYANI, MEMBER(A)

The brief facts of this case are: The Applicant was appointed as EDDA/GDSDA in Dhusuri with effect from 08.05.1990. On 23.07.2003 he was directed to work as Mail Escort and again within four months he was redeployed as GDS Packer in Aradi Sub Post Office. On a representation made by him, he was allowed to join in his previous place of posting at Dhusuri. On 02.01.2004, he was directed to work at Aradi against which he filed Original Application No.4 of 2004 in this Tribunal. As per the orders of this Tribunal dated 12.01.2004, Applicant preferred a representation to the Appointing Authority for redressing his grievance and on consideration of the said representation, vide order dated 30.01.2004, Applicant was allowed to work as GDS MD of Dhusuri Sub Post Office. While continuing in Dhusuri Sub Post Office, on 03.09.2004, he was further redeployed to work at Puruna Bazar MDT SO on the ground that the post against which the applicant was working has been abolished. The Applicant was



relieved from his post at Dhusuri on 04.09.2004. By filing the present Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the Respondents to allow him to continue at Dhusuri.

2. Respondents in their counter have stated that on review of the workload, it was noticed that the delivery work of the establishment of Dhusuri SO comes to only 4 hours and 11 minutes which justifies retention of only one GDS MD post out of three GDS MD. Accordingly proposal was submitted to the Respondent No.2 for abolition of GDS MD post and redeployment of one of the existing staffs. Respondent No.2 scrutinized the proposal in detail and passed order under Annexure-R/6 that any one of the three GDS MD posts against which the junior most GDS MD is working is to be abolished and the incumbent of the said abolished post is to be redeployed at Purunabazar NDTSO, re-designating him as GDS Packer cum MC. As the applicant was the junior most of the three GDS MDs he was redeployed. At first instance, the Applicant has represented to give him the post of Mail carrier Bhadrak, RMS Dhusuri line in place of one Shri A.K.Dey (Annexure-R/11). However, subsequently, he was not willing to accept it. Respondents submit that the option for his absorption as mail

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carrier Bhadrak RMS Dhusuri Line is still open. If the Applicant accepts the Mail Carrier Bhadrak – Dhusuri line which is now extended to Aradi point, he can be absorbed in that place and the present incumbent Shri Dey can be accommodated as GDS Packer/MC Purunabazar SO.

3. Heard Learned Counsel for the Applicant and Mr. D.K.Behera, Learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

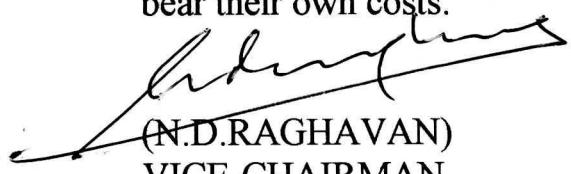
4. Learned Counsel for the Applicant has pointed out that as per the instructions of the Director General of Posts dated 29th November, 1985, while terminating the services of EDAs on abolition or up-gradation of posts , services of the incumbent of the post is to be dispensed with and not the junior most EDA of the office. Learned Counsel for the Applicant states that the post of GDS MD-3 was found surplus in the office and the applicant was working as GDSMD-I and as such, though he was junior most GDSMD, he should be retained in that office. This argument does not carry much ground. The Applicant was working as GDSMD and one GDSMD post had to be abolished. . Hence Respondents decided to re-deploy the applicant who was the junior most among the three GDSMDs available. Had the Applicant been working in

another post say GDS Packer in the same office, then disturbing him on abolition of post of GDSMD, for the sake of adjusting the senior GDSMD in the same office, would have been against the instructions. Moreover, the Respondents have submitted that the applicant has accepted the post of GDS Packer at Puruna Bazar and is presently working there. Therefore, we do not find any illegality in the action of the Respondents.

5. However, Learned Counsel for the Applicant submits that the present posting of the Applicant is far away from his previous place of posting i.e. Dhusuri; the Applicant is a low paid employee and he has to spend substantial sum towards conveyance charges between the two places. Respondents have already agreed that he can be considered in the post of Mail Carrier Bhadrak RMS Dhusuri line for which the Applicant was willing at the first instance. In view of the above, we direct the Respondents as below:

If the post of Mail Carrier Bhadrak RMS Dhusuri is still lying vacant or if any other suitable post is lying vacant or will fall vacant in nearby places of Dhusuri and the Applicant applies to be adjusted in one of such vacant posts, the Respondents shall consider the grievance of the Applicant sympathetically, and post him against the post.

6. With the above observation and direction, this Original Application stands disposed of by leaving the parties to bear their own costs.


(N.D.RAGHAVAN)
VICE-CHAIRMAN


(K.N.K.KARTHIAYANI)
MEMBER(A)

KNM/PS