

Order dated 19.11.2003

The applicant is working as Postal Assistant in Hillipatna S.O. and is posted in the Savings Bank seat. It is stated that the applicant is also qualified in the aptitude test conducted by the Department to deal with Savings Bank matters. Therefore, it is his claim that he should be retained in the same seat and he should not be subjected to rotational transfer. However, it is submitted that the Respondents vide order dated 26.3.2002 (Annexure-1) have posted the applicant as Treasurer, Hillipatna S.O. for a period of two years. Aggrieved about this transfer within the same S.O. the applicant has come before the Tribunal seeking a direction to quash the said order. At the time of admission on 31.5.2002, the Tribunal granted an interim stay of the impugned order in so far as the applicant is concerned. The stay order is still in operation.

The Respondents have filed a detailed reply. It is stated that Treasurer work is part of the Branch Office work and this has to be manned by suitable employees. Though willingness was called for from amongst the employees there were no willingness from eligible candidates in response to the notification dated 3.9.2001. Therefore, the Respondents were forced to select the applicant for the post, which carries an allowance of Rs.150/- per month. It is also stated that the applicant was appointed as Treasurer in the interest of service and to maintain the standard of public service of the

office.

The learned counsel for the applicant Shri P.K. Padhi strenuously argued that the applicant is qualified person to deal with the Savings Bank Accounts, in which he had taken special training and therefore, he should not be disturbed.

Per contra the learned Addl. Standing Counsel Shri S.B. Jena submitted that in a small office, if nobody is willing to discharge some functions, it is very necessary for the Head of Office to nominate the person(s) to do the ^{specific} same work. Moreover, the post of Treasurer carries an extra allowance of Rs.150/- per month. In view of the stay order granted by the Tribunal, the Sub Post Master is now forced to discharge the functions of the Treasurer, which is telling upon the efficiency of the office and therefore, it was submitted that the O.A. does not merit any consideration.

Admittedly, the applicant is working in the grade of Postal Assistant and is liable to shift within the office to different seats. By this rotation none of the service conditions of the applicant will be affected seriously. Further, he is not disturbed by a transfer out of station. In other words, it is a rotational transfer within the office, which is called intra-office transfers, so that each and every employee gets exposed to different items of work in the office. This is necessary in the overall development of the employees' knowledge and further career development. Therefore, we do not find any reason to interfere with this managerial

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function of the Respondents which has merely placed the applicant in a particular seat and that too for two years.

Under these circumstances, we do not find any merit in this O.A. which is accordingly dismissed. No costs.

In view of dismissal of this O.A., interim order dated 31.5.2002 passed by this Tribunal, staying the operation of Annexure-1 dated 26.3.2002 stands vacated.

Dr. dt. 19.11.03

Copies of order prepared for counsels for both side.

Sybil M. M. S.
19.11.
MEMBER (ADMINISTRATIVE)
L. Anand
19.11.2003
MEMBER (JUDICIAL)

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