

OA No.542 of 2007

Duryodhan Sethy .... Applicant  
Versus  
UIO & Ors. .... Respondents

1. Order dated 17<sup>TH</sup> August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

Having heard the rival submission of both sides,

perused the materials placed on record including the instructions of the Director General of Posts No.8-4/2005-INV dated 22.09.2005.

2. It is the case of the Applicant that he has been posted in his present place in gross violation of the specific aforesaid instructions of the DG Posts even without giving him posting to any post permanently although persons junior to him have been posted to particular post permanently. His further case is that Respondent No.3 rejected the representation filed by him without taking note of the aforesaid instructions of the Director General of Posts. As such, by filing this OA he seeks quashing of the order of rejection of his representation under Annexure-A/12 and for direction to the Respondents to post the applicant permanently as PA in any of the post offices i.e. at Salapada SO, Anandapur Mukhyadakaghar, Ghasipur SO or Sainkul SO.

3. Relying on the counter filed by the Respondents, Learned Counsel appearing for the Respondents contended that as the Applicant came on transfer from one Postal Division to another Postal Division, as per Rules he was treated as the

junior most employee of his cadre in the later Division. Accordingly, he was kept as the LR PA in the new Division. Being a LR PA he was deputed to offices where there was shortage of hand. As such no irregularity was committed in posting of the Applicant at the present place.

4. It is not in dispute that the Applicant on being transferred to Keonjhar Division in 2001, was posted as SPM of Hadagarh Sub Post Office. Hadagarh is single handed Post Office. Thereafter he was posted at various other post offices and again he has been reposted to Hadagarh Sub Post Office as SPM during 2006. The ground on which the representation of the Applicant was rejected and communicated to him under Annexure-A/12 speaks as under:

"5. As regards the second part of the representation, the applicant being a junior LRPA of Keonjhar Division, he is required to be deputed to other SOs as and when need arises in the interests of service. The applicant cannot claim for his permanent posting in a particular office as a matter of right. It is also reported that there is no other senior officials stationed at Anandpur Sub Division who have completed their tenure. The applicant who has completed 12 years of service in PA cadre has been posted as regular SPM Hadagarh SO. Besides, as reported the post of Pas of most of the double handed offices are kept vacant by the Supdt. of Post Offices, Keonjhar Division due to acute shortage of staff. In view of the above, facts the deputation order of the applicant has already been ceased and thus the request for transfer back to old headquarters as of now is also regretted.

Relevant portion of the aforesaid DG Posts instructions issued on 22.09.2005 provides as under:

"2. After considering the matter, it is, therefore, directed that officials who have been posted as SPM/PA in a single handed or double handed post office irrespective of period of

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posting/completion of tenure should not be posted back to the same office after a break as is being done now. In other words, officials of single handed and double handed post offices can have only one posting in such offices during their service period.

3. However, only in respect of double handed post offices, the CPMG/PMG may personally relax this provision in a specific case is warranted by exceptional administrative exigencies."

5. It is not the case of the Respondents that there was no other employee available like the Applicant to be posted in the post to which the Applicant was posted in gross violation of the DG Posts instructions dated 22.09.2005. That the Applicant belongs to Scheduled Caste is not in dispute. It is not the case of the Respondents that there was no vacancy in the places where the Applicant seeks a posting.

6. For the discussions made above, it is conclusively proved that there has been violation of the instructions of the DG Posts, New Delhi in the matter of giving posting to the Applicant as SPM of Hadagarh Sub Post Office for the second time. Hence, the order of rejection of the representation of the Applicant under Annexure-a/12 is hereby quashed. The Respondents are directed to consider the posting of the Applicant in any other nearby place in accordance with the DG Posts instruction/circular dated 22.09.2005 within a period of thirty days from the date of communication of this order.

7. In the result, this OA stands allowed to the extent stated above. No costs.

  
(C.R. MOHAPATRA)  
Member(Admn.)