

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Date of order : 15.3.2001

Original Application No. 141/1999

Narayan Lal S/o Shri Khangarji Mali aged 42 years, ED Chowkidar, Head Post Office, Jalore R/o Shastri Nagar, Colony, Old Bus Stand, Jalore.

..... Applicant.

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, New Delhi.

Head Post Master, Head Post Office, Jalore.

..... Respondents.

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Mr. Vijay Mehta, Counsel for the applicant.

Mr. Vineet Mathur, Counsel for the respondents.

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CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. A.P. Nagrath, Administrative Member

.....

ORDER

PER MR A.K.MISRA :

The applicant had filed this application with the prayer that the respondents be restrained from taking duty of ED Messenger from the applicant and the respondents be further directed to take duties from the applicant of the post of E.D.Chowkidar.

fm

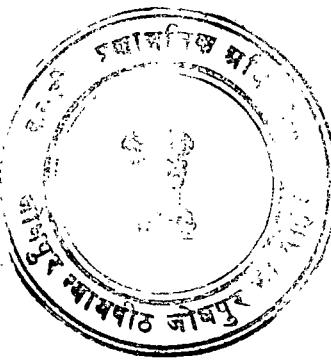
R. C. W.
M. Mohan
20/3/2003

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in my presence on 22.3.02
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Section officer (Record)

2. Notice of the O.A. was given to the respondents who have filed the reply. In the reply, it is contended by the respondents that due to abolition of non-technical categories of EDAs including E.D.Chowkidar, the post of E.D. Chowkidar, Jalore, on which post the applicant was working, was abolished. The post of E.D.Chowkidar was re-designated as EDDA vide D.G. Posts letter dated 14.12.1987. As a result of abolition of post, the applicant was posted as E.D.Messanger in-order to adjust him otherwise he would have been dis-engaged. The applicant has been accommodated on the post of EDA and, therefore, he cannot insist to remain posted as E.D.Chowkidar, that is now anabolished post. In view of this, the applicant has no case and the O.A. deserves to be dismissed.



3. We have heard the learned counsel for the parties and have gone through the case file.

4. From the facts of the case, it appears that the post of E.D.Chowkidar at Jalore was abolished. As a result of abolition of post, the applicant would have been rendered jobless because the respondents would have dis-engaged him. However, the applicant has been adjusted on the post of EDDA as Messanger and, therefore, the applicant cannot raise a grievance that, no work other than that of a Chowkidar can be taken from him. In our opinion, the applicant cannot insist to remain posted on the post of Chowkidar which no more exists now. The Original Application, in our opinion, is devoid of merit and deserves to be dismissed.

5. The Original Application is, therefore, dismissed. The parties are left to bear their own cost.

lmp
(A.P.NAGRATH)
Adm.Member

AM
(A.K.MISRA)
Jud 1.Member

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