

I/5

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No. 310/2004

Date of Decision: 24.12.2004

CORAM:

HON'BLE MR. G.R. Patwardhan, Administrative Member

Amba Lal Kataria son of Shri Pyar Chand, aged 55 years,
Assistant Post Master, Head Office, Udaipur, r/o village Delwara,
District Raj Samand.

.....Applicant.

[Mr. Vijay Mehta, Counsel for the applicant.]

VERSUS

1. Union of India, through the Secretary to the Government,
Ministry of Communication (Dept. of Posts) Sanchar Bhawan,
New Delhi.
2. Post Master General, Rajasthan, Southern Region, Ajmer.
3. Chief Post Master General, Rajasthan, Jaipur.
4. Senior Superintendent of Post Offices, Udaipur.

...Respondents

**ORDER
(BY G.R. Patwardhan, Adm. Member)**



Heard the learned counsel for the applicant. Identical issues have been raised in O.A. No. 309 of 2004, Amba Shankar Vs. Union of India through Secretary Department of Posts, PMG Rajasthan, Ajmer, CPMG, Rajasthan, Jaipur and SSP, Udaipur. That case was also heard today and the application allowed by directing the respondents to consider the O.A. as representation and pass a reasoned and speaking order within a period of 90

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days. It was also ordered that during this pendency the applicant will not be transferred solely on the ground that norm based persons having become available. In the instant case it appears by an order of 04.11.2000, a copy of which is placed at Annex. A/1, the applicant here Amba Lal Kataria who has described himself as Assistant Post Master, Head Office, Udaipur has been transferred to Chhitorgarh as Assistant Post Master on promotion. The learned counsel for the applicant has drawn attention to Paragraph 2 of the said order where it is said that benefit of pay fixation in the particular scale has already been allowed to the applicant on his placement under BCR's Scheme and thus no further benefit of pay fixation will accrue. The learned counsel for the applicant says that thus the facts in this case and O.A. No. 309/04 are identical to the extent that interpretation of Recruitment Rules, 1976, TBOP scheme and BCR scheme are involved and which have already been considered by a Division Bench of the Tribunal at Chennai in the case of K.Perumal Vs. UOI and matter remanded to the respondents for reconsideration. A copy of the order of Chennai Bench is enclosed to the application here at Annex. A/19. Considering that similar matters have been remanded to respondent authorities for reconsideration it appears necessary that the impugned order quoted above issued by SSP, Udaipur in so far as it relates to the applicant's transfer is stayed, as prayed



—*SR*—

for in Paragraph 4.22 and Paragraph 9 of the application. The applicant shall not be relieved from his present post.



2. It is ordered that the respondents shall consider the present O.A as a ^{re}presentation and consider the same within 90 ^{one} days and communicate the order to the applicant. It is made clear that the stay of the impugned order shall stand vacated as soon as they have taken a decision on this representation and communicated the same to the applicant. The applicant will be at liberty to approach the Tribunal again if so advised. No order as to costs.


(G.R. Patwardhan)
Member (A)

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Part II and III destroyed
in my presence on 31/10/2013
under the supervision of
section officer (J) as per
order dated 18/10/2013

J.R. 5
Section officer (Record) 31.10.2013