

I/S

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH JODHPUR**

**ORIGINAL APPLICATION NO. 229/2005
DATE OF DECISION : THIS THE 9TH DAY OF AUGUST, 2005**

CORAM :

HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

Gopal Krishna Sharma S/o Shri Ganpat Lal Ji Sharma aged about 59 years, R/o Naio Ka Bar, Andhari Gali, Jodhpur Official Address : Sorting Assistant, Railway Mail Service Office HRO Jodhpur.

.....Applicant.

[By Mr. Kamal Dave, Advocate, for the applicant]

Versus

1. The Union of India through the Secretary, Ministry of Communication, Department of Post, Government of India, Dak Bhawan, New Delhi.
2. The Superintendent, RMS, "ST" Division, Jodhpur.

.....Respondents.

.....
ORDER
[By the Court]



The applicant Gopal Krishna Sharma, who appears to be Sorting Assistant in R.M.S., Jodhpur, through his learned counsel Shri Kamal Dave, has pressed this O.A. against an order dated 29.7.2005 passed by the Superintendent, R.M.S. (respondent No.2) by which he was transferred from Jodhpur to Sri Ganganagar, with a prayer to quash this order. By way of interim relief, it is prayed that respondents be directed to allow the applicant to serve at Jodhpur where he is presently posted and is due to retire on 30th June, 2006.

2. It appears that applicant was appointed on 21.5.1966 as a Mailman and is to superannuate on 30th June, 2006 leaving about ten months to retire. In the O.A. he has described how the responsibility to look after his old mother of 80 years

DRB

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and mentally sick wife, does not allow him to move out of Jodhpur. The learned counsel has further drawn attention to a judgement of the Hon'ble Rajasthan High Court in Dr. (Smt.) Pushpa Mehta Vs. State of Rajasthan reported in WLC (Raj.) 2000 (2) at page 725-726 where Hon'ble the High Court observed that unless there are compelling reasons, ordinarily, an employee should not be disturbed from the place of his posting when he is at the verge of retirement.

3. Looked at that in this perspective, it appears the respondents themselves would be in a position to appreciate the case and do the needful. Accordingly, if it is ordered that the applicant will send a copy of this O.A. as well as copy of the judgement of the High Court referred to above, to respondent No. 2 who will treat it as representation and pass a reasoned and speaking order within a period of 90 days and communicate the same under registered cover to the applicant within next 15 days.

4. Till such time that the above direction is complied with, the operation of the order at Annex. A/1 dated 29.1.2005 in so far as the applicant is concerned, shall not be given effect to and the applicant allowed to continue at Jodhpur.

5. O.A. stands disposed of accordingly with liberty to the applicant to approach the Tribunal again, if so advised.

S. B.
(G.R.Patwardhan)
Administrative Member

Copy of order ~~intelligible~~

OA Petition & annexures

Sent to PI & PII
by Speed post forward
Wkds. 246 to 247
C/I 10.45.03

Recd
O/d Pd/H
O/d 10-8-03

Part II and III destroyed
in my presence on 17-1-04
under the supervision of
Section Officer (1) as per
order dated 18/1/2003

~~Recd~~
Section Officer (Record)