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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH AT JODHPUR**

**Original Application No.169/2012**

Jodhpur, this the 09<sup>th</sup> May, 2013

**CORAM**

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)  
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Paras Mal Jingar S/o Shri Chunni Lal aged about 50 years, resident of Village and Post Tal, District Rajsamand, Rajasthan, presently working on the post of Gramin Dak Sevak Mail Carrier at Post Office Tal.

.....**Applicant**

**[Through Advocate Mr.S.K.Malik]**

**Vs.**

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. The Senior Superintendent of Post Office, Udaipur Division, Udaipur (Raj).
3. The Inspector of Post Office, Sub Division Devgarh, District Rajsamand, Rajasthan.

...**Respondents**

**[Through Advocate Smt. K.Praveen, counsel for respondents]**

**ORDER (ORAL)**

**Per K.C. Joshi, Member (J)**

By way of this Application the applicant has sought the following reliefs :-

*"(i) By an appropriate writ order or direction impugned order dated 27.01.12 at Annx.A/1, and impugned order dated 19.04.12 at Annx.A/2 be declared illegal and be quashed and set aside as if they were never issued against the applicant.*

*(ii) By an order or direction respondents may be directed to take the applicant on duty to the post of GDS (MC) with all consequential benefits including all pay and allowances etc.*

*(iii) Exemplary cost be imposed on respondents for causing undue harassment.*

(iv) *Any other relief which is found just and proper be passed in favour of the applicant in the interest of justice."*

2. The short facts of the case was that the applicant was initially appointed as EDMC/EDDA and posted at Post Office Tal on 27.01.2012. The impugned order was passed to direct the petitioner to take-over the charge of Rachheti Post Office on 19.04.2012. He was relieved from the Post Office Tal and directed to join at Rachheti Post Office. The applicant filed a representation against the transfer order to the respondent No. 2 but no reply was given.

3. By way of this application, applicant has challenged the legality of the transfer order and relieving order as prayed for in the relief in para 1.

4. By way of reply, respondent-department denied the averments made in the application and in para 4.4 pleaded that no representation dated 19.04.2012 was received by the department but after passing the order by this Tribunal on 1.5.2012, the applicant has been allowed to join back to original post of GDS at Post Office Tal and copy of the charge report has been annexed as Annex.R/1.

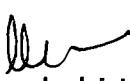
5. Heard both the counsel for the parties.

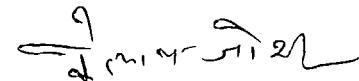
6. The counsel for the applicant submits that although the applicant has been restored to his original position by order dated 07.05.2012 but the Annexs. A/1 and A/2 are required to be quashed because this Tribunal vide order dated 01.05.2012 ordered to allow the applicant to work on the post of GDSMC at Post Office Tal but he has been relieved on 19.04.2012, therefore, the Annex.A/1 order passed by the

Department being illegal and in violation of the relevant rules requires to be set aside.

7. After perusal of the relevant rules it is evident that the order of the applicant transferring him from Tal to Rachheti is in violation of the relevant rules, therefore, it requires to be set aside. Accordingly, the order Annex. A/1 and Annex.A/2 are set aside and the applicant shall be deemed to be on duty from 19<sup>th</sup> April 2012 to 07<sup>th</sup> May, 2012 with all consequential benefits.

8. No order as to costs.

  
[Meenakshi Hooja]  
Administrative Member

  
[Justice K.C. Joshi]  
Judicial Member

jrm