

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
T.A. No.

285

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DATE OF DECISION

3.10.90

V. N. Madhusoodhanan Pillai Applicant (s)

Mr. Thomas John Advocate for the Applicant (s)

Versus

The CHIEF POSTMASTER GENERAL Respondent (s)
Kerala Circle, Tvm and others

Mr. TPM Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant was xx a UDC in the establishment of the Chief Post Master General, Kerala Circle, Trivandrum. A vacancy of Section Supervisor (LSG) arose at the office of Director of Postal Services, Cochin which is to be filled up by limited competitive examination to the extent of 1/3 of the vacancies. As the examination could not be held, volunteers were called and the applicant volunteered himself and he was appointed as Section Supervisor (LSG) at Cochin on 17.10.89 on ad hoc basis pending examination to be held for candidate for the post.

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2. Apparently the examination was held but the two candidates who passed the examination were provided elsewhere and the applicant continued undisturbed. The applicant contends that after this development, this vacancy is now attributable to the 2/3rd quota which is filled up on the basis of seniority.

3. His apprehension now is with regard to the letter of the 1st respondent to the second respondent impugned Annexure A-1/order which states as follows:

"It is proposed to divert certain UDC/LDC posts to your Region, immediately. According to the standing instructions volunteers are to be sent along with the posts, if available. Shri V.N.M. Pillai, UDC who is now working as SS on ad hoc basis may be asked to furnish his willingness or otherwise for being posted in Central Region, immediately. His written consent or unwillingness may be obtained and sent to this office for necessary action."

His suspicion is that the real purport of the option sought is with a view to revert him from the higher post in the Central Region of Section Supervisor (LSG) held by him to that of UDC.

4. The respondents 1 & 2 have filed a reply to this application. The learned counsel for the respondents submitted that there has been decentralisation of the administration and three Regions have now been formed namely Northern, Central and Southern Regions. The office in which the applicant is working is now in the Central Region. This decentralisation necessitated the transfer of Circle posts and the allocations of persons to satisfy administrative requirement. In this behalf Annexure R-1 has been issued by the Director General, Posts and Telegraphs which states that in regard to

decentralisation of staff from Circle Offices in Regional offices (i.e, in the present case, the staff of the Chief Postmaster General) preference for transfer should be on the following order namely (i) transfer of vacant posts and (ii) transfer of willing officials. It is submitted that in so far as the staff in the Circle office is concerned they could be transferred only on the basis of their willingness. It is in pursuance of this direction that the impugned Annexure-I letter has been issued to the PMG, Central Region by the CPMG Kerala Circle. In that letter it has been stated that the present applicant who is a UDC in the Circle office is now working as a Section Supervisor on ad hoc basis and he may be asked to furnish willingness to work in the Central Region.

5. Having perused the records and heard the counsel we are of the view that Annexure-I letter itself does not contemplate reversion of the applicant from the post held by him. As pointed out by the counsel for the respondents this is in pursuance of the direction from the CPMG, for, if the applicant does not give his ~~Central~~ ^U Circle willingness, he will have to be retained in the ~~Central~~ ^U Circle Region itself which seems to be its limited purpose.

6. The applicant has also an apprehension that he might be replaced by appointing the third respondent as Section Supervisor (ISG) in his place because,

admittedly, he is senior to the applicant and he has sought a transfer from Trivandrum to Cochin. However, the counsel for the applicant himself made submissions that since the application was filed, the third respondent was transferred to Cochin with a separate post of Section Supervisor and therefore the third respondent is no more a threat to the post held by him.

7. In the circumstance, we are of the view that the applicant has misread the intention and implication of the impugned Annexure A-1 letter and therefore this application has no merit and hence it is dismissed. There will be no order as to costs.

N. Dharmadan
(N. Dharmadan)
Judicial Member

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N. V. Krishnan
(N. V. Krishnan)
Administrative Member

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