

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH  
LUCKNOW

O.A.No. 416/91

Narain Seth ..... Applicant  
Versus  
Union of India and others.. ..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

( By Mr. Justice U.C. Srivastava, V.C.)

Counter affidavit has been filed and the <sup>pleading</sup> ~~case~~ <sup>are complete the - is being</sup> ~~may be~~ disposed of finally <sup>after hearing the parties</sup>

2. The applicant was working as Sub-post master in the post office of City area Lucknow from where he was transferred as Postal Assistant in the post office Rajendar Nagar in Lucknow vide order dated 23.10.90. The applicant did not join on the transferred place but filed application before this Tribunal which has been registered as O.A.No. 391/90 against the transfer order. No order was granted by the Tribunal staying the operation of the transfer. The incumbent who was transferred in place of the applicant <sup>have</sup> ~~has~~ already joined. The Tribunal <sup>of Pehram</sup> ~~disposed of the application~~ vide order dated 26.4.91 and gave observation that

" a mere direction will serve the interest of justice in the instant case to consider the posting of the applicant to the post of sub-post master in due course of time in accordance with the seniority and the rules applicable to this department."

In the end we allow this claim petition in part thereby directing the O.P. to consider the question of posting of the applicant as sub-post master.

In the light of the observation made <sup>made</sup> ~~above~~, the applicant made the Chief Post Master and gave an undertaking to the effect that he promises to work through out the day and will be loyal to the department and will not allow any complaint in the office matter of working. It was thereafter the applicant was transferred and posted as Sub-post master Victoriaganj in place of said Ram Lakhan Singh who was to retire on 31.5.91. The applicant was permitted to work as S.P.M. vide order dated 7.5.91 in leave arrangement. The applicant by this application has claimed to grant full salary and allowances for the period in question although

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he was asked by the department to apply for leave but he did not apply for leave. From the application it is now clear that the applicant did not join the place where he was transferred. The applicant has filed a representation against the impugned order. He filed an application before this Tribunal. No interim order was granted and he waited for the result of the application. Subsequently in view of the observations made by the Tribunal he was posted, and ~~xxx~~ particularly how this period is to be dealt with in accordance with the rules by the department. The applicant admittedly has not worked during this period and after the vacation of the transfer order he did not offer to join the transferred place or on any other place. In view of the fact that the applicant has joined the place with no break in service but whether this period is to be treated in service on the applicant is to be given any allowance or salary, is ~~entirely~~ for the department to decide it in accordance with law and let it be decided within a period of 2 months.  
*from the date of communication of this order*

3. No order as to the cost.

A.M.

V.C.

Dated: 6.8.92

(AR)