

Central Administrative Tribunal, Lucknow Bench, Lucknow

M.A.No. 846/2005 in Original Application No. 167/2005

This the 15th day of April, 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)

1. Khushi Chand aged about 42 years son of Sri Mula Das r/o 54 Anand Puri, Alamnagar, Lucknow, presently working as P.A. (S.B.II Counter), Mahanagar, Lucknow.

2. M.K.Singh aged about 48 years son of Sri Bhola Singh resident of 699 Sector N-2, Aliganj, Lucknow presently working as ASPM, Mahanagar, P.O. Lucknow.

Applicants

By Advocate: Shri R.S. Gupta

Versus

1. Union of India, through the Secretary, Department of Post, Dak Bhawan, New Delhi.

2. Director Postal Services O/o CPMG, UP, Lucknow

3. S.S.P.O.S. Lucknow

4. Sri K.K. Yadav, S.S.P.O.S. Lucknow

5. Sub Post Master, Mahanagar, Post Office, Lucknow

Respondents

By Advocate: Sri K.K. Shukla

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

Heard. Joint prosecution application filed by M.A. No.846/2005 is allowed. Let registry is directed to give regular O.A. number.

2. The case of the applicants is that applicant No. 1 after joining as Postal Assistant on 31.7.87 has joined Mahanagar Post Office in January 2003 at S.B. II counter. Applicant No. 2 was given TBOP w.e.f. 10.10.96 and was authorized by respondent No. 5 under the orders of respondent No. 3 to function as ASPM w.e.f. 23.8.2004 and by subsequent orders. The contention of the applicants is that they have been transferred without the completion of the tenure and in case of applicant No.2, it is a reversion as well.

3. Upon hearing the counsel for the parties, it is ^{not} clear that quashing of the order would effect favourably or adversely to others, ~~is not clear~~.

The contention of the counsel for applicant is that tenure of the counter clerks/assistants in the saving banks branch is normally three years. On careful reading of the provisions of Rule 2 of POSB Manual Volume I as given in Annexure No.2 of the O.A. , it becomes clear that the Counter Assistants can continue for three years only. It is not specifically mentioned that three years tenure is a must for an individual .

4. Order issued by respondent No. 5 (Annexure 1) is stated to be in the interest of office and in compliance of the order of respondent No.3. It is not disputed that Sub Post Master, who is personally responsible for the general functioning of the Saving Bank Branch, can always change the assistants from one seat to other seat. In the present case, nothing has been specified how the functioning of the applicants was adversely effecting the functioning of the Saving Banks. Moreover, as the order itself specifies that such orders have been issued only on the directions of respondent No. 3 and in compliance thereof, such arrangement has been made.

5. Applicant No. 2 was officiating as ASPM. It is not proposed to go into the merits of the present arrangement as to whether it amounts to reversion or not. How the interest of the Post Office would be served better with the impugned arrangements , has not been specified. The applicants have moved the representation against this arrangement to the Head of the Circle who is PMG/ Director, Postal Services. Since the order has not been passed by respondent No. 5 on his own volation in the administrative exigencies or improving or maintaining the efficient functioning of the Saving Banks, it would be just and proper that it is seen by the Head of the Circle i.e. PMG/Director Postal Services before this arrangement given effect to.

6. Had it been a case that the respondent No. 5 ^{having} passed the orders for ^{in his own discretion} proper functioning of the Saving Bank/ no interference could have been

called for. The order passed or arrangement made were on the orders of superiors without application of mind by respondent No 5.

7. In view of the above discussion and conspectus of facts and circumstances of the case, respondent No. 2 is directed to decide the representation of the applicants in accordance with extant rules and instructions on the subject.

8. The O.A. can be disposed of at the admission stage itself with direction to the respondent No. 2 to decide the representation of the applicants, copy of which shall also be filed along with this order by the applicants before noon on the next working day. If such a representation is filed in the stipulated time, the order dated 13.4.2005 of respondent No. 5 (Annexure -1) would not be given effect to till the decision of the representation.

9. With these directions, O.A. is disposed of with no order as to costs.



(S.P. Arya)
Member (A)

HLS/-