

**CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
BENCH, LUCKNOW**

**Original Application No.56/2011
This the 8th Day of April 2011**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S.P. Singh, Member (A)

Dwarika Prasad Tiwari, aged about 52 years S/o Sri Raghavdutt Tiwari, R/O Village & P.O. Silhaur Distt. Barabanki at present working as GDSBPM, Silhaur Barabanki.

...Applicant.

By Advocate: Sri R.S. Gupta.

Versus.

1. Union of India through the Secretary Department of Post. New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Superintendent of Post Offices, Barabanki.

.... Respondents.

By Advocate: Sri Asheesh Agnihotri.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This O.A. has been filed for quashing of the order dated 05.08.2010 as contained in (Annexure-1) and for directing the opposite parties to consider the case of the applicant and transfer him

/

over the post of GDS BPM, Silhaur, Barabanki with all consequential benefits.

2. The applicant's case is that he was provisionally appointed as EDBPM, Silhaur, Barabanki after his regular selection over the post vide order dated 03.01.2006 vice Sri Shyam Narain Pandey put off duty. He joined on 14.01.1986 and worked satisfactorily. Thereafter, Sri Shyam Narain Pandey was reinstated on 31.08.1991. Then the applicant was appointed on the post of EDBPM,, Dharupur, Branch Post Office, Barabanki on 27.12.1991 in the light of order dated 07.11.1991 passed by this Tribunal in O.A.No.275/1991 vide order dated 27.12.1991 (Annexure-A-5). He worked there up to 02.07.2006. Meanwhile, aforesaid Sri Shyam Narain Pandey retired on 02.07.2006. Thereafter, the applicant applied for his posting as GDSBPM, Silhaur vice Sri Syam Narayan Pandey. He submitted applications dated 04.08.2010 and 17.08.2010 to the Respondent No.2 for directing the Superintendent of Post Offices, Barabanki for transferring the applicant as GDSBPM, Silhaur, Barabanki on which post the applicant had earlier worked from 14.01.1986 to 31.08.1991 (Annexure-9) and (Annexure-10). It is said that in accordance with the order passed by Government of India, Ministry of Communication, Department of Post No. 19/10/2004-(GDS(part) dated 21/22-7-2010 transfer facility is available to GDS employees under certain conditions and the applicant is fully prepared to accept these conditions. It is further said that recently Sri Dinesh Kumar

AK

Yadav and Sri Komal Prasad Yadav have been allowed transfer from one post to another. These orders have been placed on record as Annexure-12 and Annexure-13. In a similar matter this Tribunal at Allahabad has also directed on 22.06.2006 to the respondents concerned to consider and pass an appropriate order (Annexure-14). It is said that in view of the above, the impugned order dated 5.08.20120 deserves to be quashed being unconstitutional, illegal and unjustified.

3. From the side of the respondents some of the allegations have been refuted by filing detailed Counter Affidavit. It is needless to go into other contention in the counter affidavit keeping in view the request made on behalf of the applicant during the course of the final arguments that he wants to confine his prayer only to the extent to directing the respondents to dispose of his pending applications dated 04.08.2010 and 17.08.2010. As far as this prayer is concerned, the learned counsel for respondents has no objection particularly because the main prayer for quashing the order dated 05.08.2010 has been given up at this juncture.

4. We have heard the learned counsel for the parties at length and perused the material on record.

5. Having regard to the aforesaid request made on behalf of the applicant, this OA is finally disposed of with a direction to the Respondent No.2 to dispose of the aforesaid applications dated 04.08.2010 and 17.08.2010 as contained in (Annexure-9) and (Annexure-10) respectively by means speaking and well reasoned

AM

order within stipulated period of three months from the date a certified copy of this order is submitted to him alongwith readable copy of both these applications.

6. Accordingly, this OA is disposed of finally. No order as to costs.

*S.P.S. in
8.11.2011*
(S.P. Singh)
Member (A)

Alok Kumar Singh
8.11.2011
(Justice Alok Kumar Singh)
Member (J)

Amit/-