

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH,
LUCKNOW

O.A. 391/90

Narain Seth

Applicant

versus

Shive Nath & others

Respondents.

Hon. Mr. D.K. Agrawal, J.M.

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

(Hon. Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the order of transfer dated 25.10.90 transferring the applicant from the post of Sub-Post Master Victoriaganj to the post of Postal Assistant at Post Office Rajendra Nagar, Lucknow.

2. The prayer is to quash the order of transfer dated 25.10.90 on the ground that it amounts to reduction in rank. It has also been urged that he has been transferred before completing his term of 4 years.

3. We have heard the learned counsel for the parties and considered the pleadings. The pay scale of Sub-Post Master and Postal Assistant is the same. We are informed that normally senior persons are given charge of small post office and designated as Sub-Post Master. Persons in the same grade are posted as Postal Assistant in bigger post offices. Therefore, it cannot be said that the transfer order amounts to reduction in rank. It may

Dr. Agrawal

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be well said that the post of Sub-Post Master is higher in status than the Postal Assistant, but both the posts are of the same scale of pay. It is also true that the post of Sub-Post Master carries with it payment of licence fee at a station where rent free accommodation is not provided for in addition to House Rent Allowance. However, deprivation of the licence fee cannot amount to reduction in rank. In the circumstances we are unable to persuade ourselves to the submissions of the learned counsel for the applicant to the effect that the transfer as Postal Assistant amounts to reduction in rank. If so, the question is as to what relief the applicant is entitled to. We are of the opinion 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 his seniority and the rules applicable in this Department.

4. In the result, we allow this claim petition in part. We hereby direct the opposite parties to consider the question of posting of applicant as Sub-Post Master in the light of the observations made above. Parties to bear their own costs.

A.M.

J.M.

26.4.91

Shakeel/

Lucknow Dated: 26.4.91.