

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

**Original Application No.491/2011
This the 9th day of December, 2011.**

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

Rajendra Prasad, aged about 55 years, son of Sri Chhanga Lal, Resident of Village Tera Kalan, Tehsil, Nawabganj, District Barabanki.

...Applicants.

By Advocate: Sri M.P. Rao.

Versus.

1. The Union of India, through its Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Barabanki Division, Barabanki.
4. Assistant Superintendent of Post Offices, Barabanki Division, Barabanki.

.... Respondents.

By Advocate: Sri Vishal Choudhary.

ORDER (dictated in open court)

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

Heard Sri M.P. Rao, learned counsel for applicant and Sri Vishal Choudhary, who has put in appearance on behalf of the respondents and perused the OA thoroughly.

2. The learned counsel submits that presently applicant is working as GDS at Tera Kalan Branch Post

A.L

Office and from there he is being shifted to Patana Branch Post Office, which is at distance of 45 kms. and he has been directed to work there without any allowances, which is not possible for him. It is said that he was appointed in the year 1982 on the post of E.D.M.P. and presently he is functioning on the post of G.D.S. on the above place in district Barabanki. It is further said that he has moved a representation dated 05.12.2011 (Annexure-2), saying that he is unwell. But, the nature of illness has not been disclosed. Learned counsel for applicant also submits that he is aged about 55 years and he is unable to travel a distance of 45 kms. Learned counsel for the respondents on the other hand submits that the O.A. is misconceived and probably the learned counsel for the applicant is under a wrong impression that the applicant has been directed to look after the work of both places. He also drew the attention towards the impugned order. Its perusal shows that one Sri Ramchela, GDS at Patana had applied leave with pay from 07.12.2011 to 12.12.2011 and for this limited period of 7-8 days, an arrangement has been made according to which the applicant, who is working as GDS at the aforesaid place has been directed to look after the work of Ramchela without any allowances. According to second arrangement the Branch Post Master, Tera Kalan has been directed to look after the work of Rajendra Prasad (applicant) in addition of his own work without any additional allowances. Therefore, the learned counsel for respondents submits that it is misconception of the applicant that he has been directed to look after the work of two places. Moreover, it is submitted that it is not a transfer order. It is only a temporary arrangement,

AC

which the employer has every right to make in public interest. This order dated 02.12.2011, has been admittedly received by the applicant on 03.12.2011. But, he filed this O.A. after a gap of few days on 08.12.2011. The relevant period has already started. But according to applicant this order has not been implemented as far as he is concerned and he has not proceeded to Patana on account of his being unwell.

3. In view of the above, in my opinion there is no vested right in favour of the applicant. It is not a transfer order in the eye of law. It is merely a temporary arrangement and that too for a very short period of 7-8 days. The applicant has not filed any appointment letter or other material to show the nature of his service etc. He has also not disclosed nature of his alleged illness.

4. Therefore, this O.A. is dismissed without any order as to costs.

5. However, it is provided that no coercive action may be taken against the applicant provided he immediately proceeds to Patana to look after the work henceforth.

Alok Kumar Singh 9.12.11
 (Justice Alok Kumar Singh)
 Member (J)