

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 477/91.

St. of Order: 4-11-93.

B.Somaiah

....Applicant

Vs.

1. Superintendent of Post Offices,  
Sangareddy Division, Sangareddy.

....Respondents

-- -- -- --

Counsel for the Applicant : Shri Sanaka Ramakrishna Rao

Counsel for the Respondents : Shri N.R.Devraj, Addl.CGSC

-- -- -- --

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN)

-- -- -- --

....2.

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and ~~Shri~~ Shri N.R.Devaraj, learned Senior Standing counsel for the respondents.

2. The applicant worked as Postal Assistant (Sub Post Master) in Auxiliary Industrial Estate, Ramachandrapuram upto 21.6.1991. There is a post of Treasurer in the <sup>cluster of</sup> Post Offices comprising of R.C.Puram H.E., R.C.Puram Village, AIE R.C. Puram, Administratige Building, R.C.Puram, and Bharathinagar.

As per the extent rules, the senior most of the Postal Assistant <sup>amongst the volunteers</sup> of the category of Postal Assistant has to be appointed to the post of Treasurer which carries a special pay of Rs.80/- per month and it is for a period of two years. The applicant and another viz, Shri Y.Devender volunteered for the said post and it is not in controversy that the applicant is senior to the other candidate Shri Y.Devender. While the applicant completed  $3\frac{1}{2}$  years of service in that cluster by the ~~xxx~~ date the post of Treasurer had become vacant, Shri Devender completed  $4\frac{1}{2}$  years of service in that cluster. As per the general guidelines, transfers are to be effected on completion <sup>of</sup> 4 years of service at a station/cluster.

3. Shri Devender was appointed as Treasurer in the cluster of the Post Offices. When the applicant made representation to the concerned authority questioning the appointment of Shri Devender as Treasurer, Memo dated 11.4.1991, transferring the applicant ~~xxx~~ to Jogipet Post Office. This OA was filed on 23.4.1991 praying for a direction to the respondents not to disturb the applicant from AIE, R.C.Puram, for if he is disturbed

contd....

(49)

he will be deprived of the right of post as Treasurer in R.C. Puram. On 4.6.1991, M.A.No.661/91 was filed praying for amendment of the relief in this OA in order to pray for quashing the transfer order dated 11.4.1991 and for a direction to the respondents to appoint the applicant as Treasurer duly giving him the benefit of special allowance with effect from the date of the application with all consequential benefits. When the above MA had come up for consideration on 21.6.1991, it was represented for the respondents that the applicant was relieved on 21.5.1991 from the post of Postal Assistant after completion of the period of service in <sup>the</sup> cluster. It was also observed by this Bench in the said order that if the applicant is aggrieved on the ground that his transfer is not in accordance with the policy, he should first represent to the authorities as observed by the Supreme Court in AIR 1991 SC 532. Accordingly the OA in regard to the relief of challenging the memo dated 11.4.1991 ~~was~~ transferring the applicant to Jogipet was dismissed. As per the order dated 21.6.1991, this OA was admitted only in regard to the claim of the applicant for the post of Treasurer and the consequential benefits.

4. Once the OA in regard to the challenge of the order of transfer was dismissed, it has to be held that the applicant was not entitled to the post of Treasurer from 21.5.1991, the date on which he was relieved. Even in the OA that was filed on 23.4.1991, there was no challenge in regard to the order of transfer. The memo ~~xxxxxx~~ of transfer was challenged only on 4.6.1991 the date on which MA 661/91 was filed. But, by then, the applicant was relieved. Hence, the applicant is not entitled to the post of Treasurer or special pay to the post of Treasurer even till the date of his relief at the AIE, R.C.Puram.

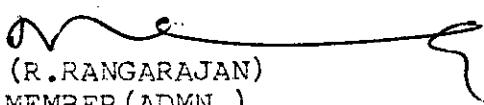
contd....

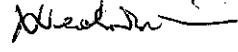
(50)

... 4 ...

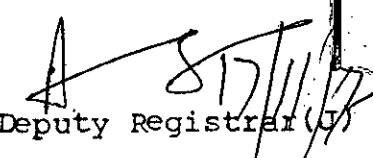
5. But, before closing, we are constrained to observe that while the responsible officers are expected to discharge their duties ~~disproportionately~~ <sup>dispassionately</sup> and without any bias, Shri Devender was appointed as Treasurer contrary to the instructions and when that deviation from the instructions was brought to the notice of the concerned authority, the applicant was transferred. The discontentment amongst staff will be only in such cases of ~~grave~~ <sup>flagrant</sup> violation of the guidelines. But, as already observed, in the circumstances, this is the matter where the relief cannot be granted to the applicant.

6. In the result, the OA is dismissed. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 4th November, 1993.  
Open court dictation

  
817/1/2  
Deputy Registrar (J)

vsn

To

1. The Superintendent of Post Offices,  
Sangareddy Division, Sangareddy.
2. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
3. One copy to Mr. N. R. Devraj, Sr.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm