

32

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.62/93

Date of Judgement: 20-10-93

Between

R.Bhoomaihah

... Applicant

and

1. Sub-Divisional Inspector (Postal)
Medak East, Sub Division
Medak.

2. Superintendent of Post Officers
Medak Division, Medak.

3. Director of Postal Services
Hyderabad Region,
Hyderabad.

.... Respondents

Counsel for the applicant :: Mr.S.Ramakrishna Rao

Counsel for the Respondents :: Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

..2.

TAPO

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

33

The applicant who joined the postal department as ED Packer at Ramayampet was transferred as EDDA at Kuchanpally, as the post at Ramayampet was abolished. He reported at Kuchanpally on 9.5.1983 and worked there continuously and satisfactorily till he was transferred to Ramayampet on 4.8.1992. Having reported there, the applicant found that his pay and allowances at Ramayampet would be about Rs.240/- as against Rs.420/- which ^{he} was drawing at Kuchanpally. More over while at Kuchanpally he had acquired a plot and built a hut to live with his family. He, therefore, felt aggrieved by the respondents' order transferring him from Kuchanpally to Ramayampet. The contention of the applicant is that on the abolition of the post of EDDA at Medak one Sri T.Gopal who became surplus was shifted to Kuchanpally and the applicant was asked to vacate that post and proceeded to Ramayampet. As per the original orders issued by the competent authority Sri T.Gopal ~~was to be~~ ^{as} transferred from Medak to Rayampet thus without causing any disturbance to the applicant.

2. The respondents in their counter affidavit have stated that ^{as} the post of ED Agent at Medak was abolished, Sri T.Gopal being the seniormost of the ED Agents in that Sub-division was transferred to Kuchanpally. As regards transfer of the applicant from Kuchanpally to Rayampet it was done because the applicant himself had in 1984 requested for a posting to Rayampet on the ground that his old parents lived there and that they have a house at Ramayampet.

3. We have heard learned counsel for both the parties. Mr.S.Ramakrishna Rao, learned counsel for the applicant has stated that the request made by the applicant for posting to Ramayampet was in 1984. Thereafter the applicant acquired a plot and built a house in Kuchanpally and his request for posting to Ramayampet did not survive thereafter. He never ^{2 expected} accepted that about 8 years after the request was made the respondents would shift him to Ramayampet. The applicant having ~~been~~ worked satisfactorily for about 8 years at Kuchanpally in the post where the pay was Rs.420/- could not be shifted to a post carrying ^{lessen &} letter emoluments. The contention of the applicant is that this was done by the S.D.I.(P) with a view to accomodate/help Sri T.Gopal who was, while working at Medak, drawing a salary of about Rs.390/- ^{only.} ^{Learned &} Mr.N.V.Raghava Reddy, Standing Counsel for the respondents has drawn our attention to a departmental instructions dated 12.9.1988 according to which where a post of EDA has been abolished the employee has to be offered alternative appointment within the sub-division in the next available vacancy. Consequently when the post was abolished in Medak the respondents decided to post Sri T.Gopal to Kuchanpally. In justification of their order transferring the applicant to ~~Ramayampet~~ they entirely relied on the fact that the applicant himself had in 1984 submitted a request for transfer to Ramayampet.

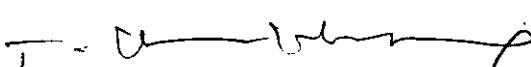
4. When the application came up for admission an interim order was passed directing the respondents to pay the applicant the same salary as he was drawing while working as EDDA at Kuchanpally.

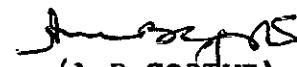
32/3/2014

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5. We find from the record that the representations made by the applicant are pending consideration with R2 and R3. The representations have not yet been disposed of in view of the fact that this OA has been admitted before the Tribunal. Having heard the learned counsel for both the parties we are of the opinion that it would meet the ends of justice if we dispose of this application with a direction to the respondents to consider and decide the representations made by the applicant. They may do so within a period of 2 months from the date of communication of this order by means of a reasoned order. Till the disposal of the representations by the applicant our interim order dt. 16.3.1993 will remain operative.

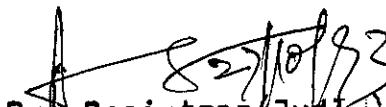
6. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORATHI)
Member (Admn.)

Dated: 20th October, 1993

(Dictated in Open Court)

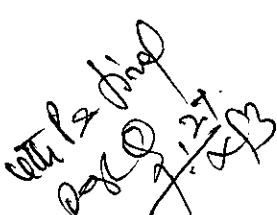

Dy. Registrar (Judl.)

sd

Copy to:-

1. Sub Divisional Inspector (Postal) Medak East, Sub Division, Medak.
2. Superintendent of Post Offices, Medak Division, Medak.
3. Director of Postal Services, Hyderabad Region, Hyd.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-


With thanks
RSM/-

O.A. 62193

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 20/10/1993

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

O.A. No.

62193

T.A. No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

