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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH & AT HYDERABAD

DA 1628/93 & CP 16/94.

Dt. of Order: 24-3-94.

G. Sathaiah

....Applicant

Vs.

1. Supdt. of Post Offices,
MEDAK, Medak Dist.,.
2. Asst. Supdt. of Posts Offices,
Siddipet Sub-Divn., Siddipet,
Medak (Dist).

....Respondents

Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri Kota Bhaskara Rao

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHAR REDDY : MEMBER (J)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (A)

....2.

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(Order of the Divn. Bench passed by Hon'ble
Shri H.Rajendra Prasad, Member (A)).

* * *

In this application Sri G.Sathaiah, ^{who was} provisionally
appointed as E.D.M.C., Nehru Road Town Sub Office,
Siddipet questioned the transfer orders issued by Asst.
Supdt., of Post Offices, Siddipet Sub-Division vide his
memo No.PF/EDMC/cum packer/Nehru Road, Siddipet dt.22-12-93
transferring Sri S.Sudershan Gowd, EDDA, Sardane B.O. to
Mirdoddi as EDDA.

2. Briefly stated the post of EDDA Sub Branch Office is
ordered to re-deployed by Supdt., of Post Offices and
transferred to Mirdoddi Branch Office on account of some
internal re-organisation. In the normal course Sri
Sudershan Gowd, EDDA, Sardana should have been transferred
ever the impugned order directed the Respondent No.3 i.e.
Sri Sudershan Gowd to join as EDDA, Nehru Road, which is
a Town Sub Office in Siddipet. This is said to be in
extension of a request given by said Sri Sudershan Gowd
who opted for Nehru Road. It is however seen that this
transfer is clearly outside the jurisdiction of the A.S.P.,
who issued it. ^{that} As much as rules envisage that maintenance
of surplus E.D.Officials within a sub-Divisional area.
It is seen however that in this case the A.S.P. who
ordered the transfer of Respondent No.3 from Sardana B.O.

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to Nehru Road exceeded his jurisdiction. This order cannot be sustained even as per Departmental instructions. They are therefore set aside with a direction that orders of transfer, if any, should be issued by an authority competent to issue such orders, if they so desire.

3. The main contention of the applicant is that because of the transfer of Sri Sudharshan Gowd to Nehru Nagar Town Sub-Office the chances of his own regular selection as EDMC, Nehru Road, have been jeopardised. In reply to this it has been contended by the respondents that even if any vacancy going to arise/notified, the applicant may not really be eligible for selection since he does not fulfil the basic qualifications. This point is, however, not before us for adjudication. The entire point to be considered is as to whether or not the applicant have any vested right on him to question the action taken by the authorities. In so far as the impugned transfer has been found to be irregular, It can be held that the applicant who was provisionally selected as per rules and thus as a member of staff of said branch office has a right to question the action if in his opinion the same injures his own interests. We upheld his contention on this score.

28/12/71

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Copy to:-

1. Supdt. of Post Offices, Medak, Medak District.
2. Asst. Supdt. of Posts Offices, Siddipet Sub Divn., Siddipet, Medak(District).
3. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. K.Bhaskara Rao, addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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4. It is therefore directed that Supdt., of Post

Offices, Medak, may review the order afresh and take

appropriate action keeping in view the above observations

and in the light of the instructions of the D.G.P.O.s.

The question of re-deployment of post/transfer of officials is entirely in his competency to decide.

The same may be done according to law. Until the post

at the Nehru Road, Town Sub-Office is regularly filled

up by a valid order from the Supdt., of Post Offices or,

until a fresh selection to fill up the post in the said

office, if so considered necessary, the applicant will

continue to act provisionally as EDMC in accordance with

rules. Thus the O.A. is disposed-of. No order as to

costs.

5. Contempt Petition 16/94 arises out of this O.A. is

not pressed by counsel for the Contempt Petitioner. After

hearing Sri S.Ramakrishna Rao, counsel for the Contempt

Petitioner and Sri K.Bhaskara Rao, counsel for the Respon-

dents the C.P. is dismissed as not pressed.

(H. RAJENDRA PRASAD)
Member (A)

(T. CHANDRASEKHAR REDDY)
Member (J)

Dated: 24th March, 1994.
Dictated in Open Court.

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Dy. Registrar (Jud.)

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O.A. 162893
C.P. 16/94

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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 (AD)

AND

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

AND

H. R. Ranga Raju Md.
THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 24/3/-1994

ORDER/JUDGMENT

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

O.A.No.

ⁱⁿ
162893 & C.P. 16/94

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

CP Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

