

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.



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

\* \* \*

In this application Sri G.Sathaiah, /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/EOMC/cum-packer/Nehru Road, Siddipet dt.22-12-93  
transferring Sri S.Sudershan Gowd, EDDA, Sardana 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  
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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  
extent 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.,  
~~that~~  
who issued it. 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.

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.

2. 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/occur, 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 provisionnally 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 uphold his contention on this score.

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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, addn. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rem/-

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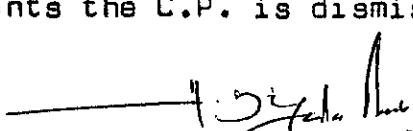
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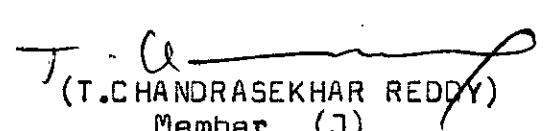
4. It is therefore directed that Supdt., of Post Offices, Medak, may review the order afresh and take appropriate action keeping in view the above observations and in the light of the instructions of the D.G.P.O.s.

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

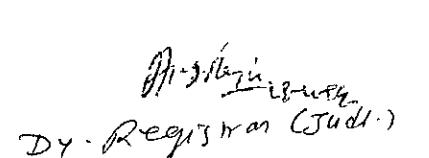
The same may be done according to law. Until the post at the Nehru Road, Town Sub-Office is regularly filled up by a valid order from the Supdt., of Post Offices or, until a fresh selection to fill up the post in the said office, if so considered necessary, the applicant will continue to act provisionally 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 Respondents the C.P. is dismissed as not pressed.

  
(H. RAJENDRA PRASAD)  
Member (A)

  
(T. C. CHANDRASEKHAR REDDY)  
Member (J)

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

  
Dy. Registrar (Jud.)

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O A - 162 893  
C.P. 16/94

TYPED BY

COMPARED BY

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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.TCCHANDRASEKHAR REDDY  
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 24/3/1994

ORDER/JUDGMENT

O.A./R.A./C.A./NO.

O.A.NO.

162 893 & C.P. 16/94

T.A.NO.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

UP

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



pvm

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