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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.347 of 1993

DATE OF JUDGMENT: 19th August, 1993

BETWEEN:

Mr. K.Bikshapathi

..

Applicant

AND

1. The Senior Superintendent of Post Offices,
Secunderabad Division,
Hyderabad-500007.

2. The Sub Division Inspector of
Post Offices,
Vikarabad Sub Division,
Rangareddy District-501101.

..

Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. P.Naveen Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

✓ The applicant was appointed as Extra Departmental Mail Carrier in Hyderabad Central Sub Division and by the proceedings dated 9.11.1981 he was asked to join temporarily as EDMC, Narkhoda and therein it was specified that his duties were to convey Amdapur EDPO BAG for Narkhoda and to bring back and the applicant joined the said post.

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15/8/93

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2. By realignment ~~from~~^{on} 1.5.1982, Amdapur has become a part of Secunderabad Sub Division while Narkhade continued to be a part of Hyderabad ^{South East} Division. Then the applicant was entrusted with the duties of conveying the mail ^{long} back from Amdapur to Surangal and back and later on it was extended upto Kanakamamidi.

3. The case of the applicant is that after he joined service as EDMC ^{at Andafur,} he shifted his residence to Amdapur and when later his father expired, he had gone back to Narkhade and he has to go daily from Narkhade to Amdapur covering a distance of 8 Kms. and then he has to ^{travel} ~~cover~~ 7 Kms. to cover the distance from Amdapur to Kanakamamidi and another 15 Kms. to ^{go} ~~get~~ back to Narkhade and hence ~~xx~~ he is feeling it extremely hard to cover up a distance of 30 KMs every day. Then, he made a representation for transfer to Hyderabad Central Sub Division. By the memo dated 23.12.1992, the applicant was informed that there is no provision for transfer of ED Agents from one division to another division and hence his request for transfer to Hyderabad Central Sub Division cannot be considered. But at the same time, it was stated therein that if there is ^a vacancy of EDMC in Narkhade BO, he may make a request to Senior Superintendent of Post Offices, South East Division. ^{this} Then/OA was filed praying for transfer of the applicant to Hyderabad Division in the existing vacancy to carry the mail between Narkhade to Shamshabad which are separated by 8 Kms.

4. It was stated in the counter that the post of EDMC, Narkhade which was created on 9.11.1981 was abolished on 30.9.1985. But the learned counsel for the applicant submitted

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20/10/92

Copy to:-

1. The Senior Superintendent of Post Offices, Secunderabad Division, Hyderabad-007.
2. The Sub Division Inspector of Post Offices, Vikarabad Sub Division, Rangareddy, District-01.
3. One copy to Sri. P.Naveen Rao, advocate, 1-1-561/2, Gandhi-nagar, Hyderabad.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One ~~xxx~~ spare copy.

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that the EDBPM at Narkhode is entrusted with the additional duty of carrying the mail from Narkhode to Shamshabad.

5. At the time of realignment in 1982, the applicant was taken to Secunderabad Division on the basis of, "as is where is". It is not the case where the applicant was appointed for the post of EDMC at Narkhode. It is ~~the~~^{an} case of appointment of EDMC for Hyderabad SE Division. In case of realignment, it is necessary to obtain option of the employee at the places ~~to which some part of the other division were tacked on,~~
~~where~~ which are taken into another division/as to whether he is willing to go in the new Division or he prefers to work in the old division. Similarly, the other employees in that old division also ~~has~~^{have} to be enquired as to whether they are willing to go to the new Division ^(in the Division to which portions are tacked) in view of the realignment. If there are no volunteers or sufficient number of volunteers to go to the new division, then from the junior most upwards in the old division have to be transferred to the new division. When the applicant was not asked to give his option for the new division before he was taken to Secunderabad Division, it is just and proper to allow him to go back to his original Division i.e., Hyderabad SE Division. But such an order should not affect the employees who are now working in the Hyderabad SE Division. Hence, it has to be ordered that the applicant should be transferred back to Hyderabad SE Division in the next available vacancy. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

P. T. Thiruvengadam
(P.T.THIRUVENGADAM)
Member (Admn.)

V. Neeladri Rao
(V.NEELADRI RAO)
Vice Chairman

Dated: 19th August, 1993.

Sy. Registrar (Judl.)

O.A. 347/93

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. GORTHY : MEMBER (A)

AND

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

AND

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

Dated: 19/8 - 1993

ORDER/JUDGMENT: ✓

~~M.A./R.A./C.A.N.~~

O.A. No.

in
347/93.

~~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~~

Central Administrative Tribunal

DESPATCH

3 SEP 1993

HYDERABAD BENCH.

pvm