

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1105/93

date of decision : 15-12-94

Between

P.V. Subba Rao

: Applicant

and

1. Chief PMG, AP Circle
Abids
Hyderabad

2. Post Master General
Vijayawada-2

3. Director of Postal Services
Vijayawada-2

4. Sr. Supdt. of Post Offices
Nellore Divn., Nellore

5. Asstt. Supdt. of Post Offices
Kavali Sub division, Kavali
Nellore Dist.

6. Sri G.V. Sampath
Sub-Post Master
Bitragunta Sub Office
Bitragunta
Nellore District

7. Sri G.V. Mohan, Postman
Bitragunta, Sub Office,
Bitragunta, Nellore Dt.

: Respondents

Counsel for the applicant

: P.B. Vijayakumar, Advocate

Counsel for the respondents no. 1 to 5 : V. Bhimanna, S for Central Govt.

Counsel for the Respondents no. 6 & 7 : K.S.R. Arunachalam.

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

V. J.

O.A.No.1105/93.

Date: 15.12.1994.

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

The applicant was initially appointed on 2.2.1991 as Postman at Nellore. On 6.1.1992 he made a representation for transfer to Kavali HO. Again he represented on 20.6.1992 to post him at Bitragunta. He was transferred to Bitragunta on 3.4.1993 and was posted in a vacancy that arose due to transfer of the incumbent on the ground that the incumbent postman and SPM of Bitragunta PO are real brothers. The applicant worked at Bitragunta PO from 6.4.1993 to 5.5.1993. Meanwhile the issue of two brothers working at the same place had been resolved and the original incumbent postman was re-posted at Bitragunta. Consequently, the applicant had been re-transferred to his old place in Nellore. The applicant made a representation for retaining him at Bitragunta, on 11.5.1993.


2. At this stage, the applicant filed OA 532/93 on the file of this Tribunal and the same was disposed of by order dt. 20.7.1993. The operative portion of the order reads as follows:

"R-1 has to dispose of the representation of the applicant within one week from the date of receipt of this order. The application for extending of leave of the applicant till the disposal of that representation, if it is going to be filed, has to be granted."

In pursuance of the above order, Chief Post Master General had considered and disposed of the representation with the

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following order dt. 23.8.1993:-

"After considering the above aspects, the representation of Sri P.V.Subba Rao is hereby disposed of with a direction to the Senior Superintendent of Post Offices, Nellore to accommodate the official at Bitragunta or any nearby place as requested  for by him in the next available vacancy."

Back
The applicant joined at Nellore. It is stated for the applicant that R-1 passed the order dt. 23.8.1993 directing the Senior Supdt. of Post Offices, Nellore to accommodate the applicant at Bitragunta or any nearby place but the cancellation of the order posting him to Bitragunta has been confirmed. Aggrieved by that order he has filed this OA for declaration that the action of R-2 in cancelling the order as arbitrary, illegal and consequently order retention of the applicant at Bitragunta S.O. by quashing the impugned order communicated in Memo No.B-2/4/6 dt. 4.5.1993 of R-2 as confirmed by the 1st respondent in proceedings bearing Memo No.ST/28-67/91 dt. 23.8.1993.

3. The respondents in their reply statement stated that re-transfer order of the applicant to Nellore was to be given as two brothers working at the same place at Bitragunta was resolved and the original incumbent had to be re-posted at Bitragunta. The applicant cannot claim for his transfer or retention at Bitragunta as a matter of right and it has to be considered by the department only. R-4 was already instructed to consider his request in the next vacancy that arises at Bitragunta. S.O. or any nearby place.



To

1. The Chief PMG, A.P.Circle, Abids, Hyderabad.
2. The Postmaster General, Vijayawada-2.
3. The Director of Postal Services, Vijayawada-2.
4. The Sr.Suptd.of Post Offices, Nellore Division, Nellore.
5. The Assistant Superint^{ten}endent of Post Offices, Kavali Sub Division, Kavali, Nellore Dist.
6. One copy to Mr.P.B.Vijayakumar, Advocate. CAT.Hyd.
7. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
8. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
9. One copy to Library. CAT.Hyd.
10. One spare copy.

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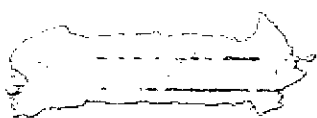
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4. We have heard Sri P.B.Vijaya Kumar, learned counsel for the applicant and Sri V.Bhimanna, learned Standing Counsel for official Respondents and Sri counsel for R-6 & R-7.

5. In pursuance of the directions in O.A.No.532/93 directing R-4 viz. Senior Superintendent of Post Offices, Nellore to accommodate the applicant at Bitragunta or any nearby place as requested by him in the next available vacancy by his order dt. 23.8.1993, it is expected that the above direction will be complied within a reasonable period. But the directions have not been complied even today though more than a year is over. This OA was coming up for hearing but adjournments were sought by the official respondents on one pretext or the other. Any order passed by the Chief Post Master General has to be implemented in a reasonable period. Unless a time-bound action is taken these instructions cannot be implemented by the lower official authorities. The learned counsel for the/respondents has also agreed that action will be taken to post him either at Bitragunta or in any nearby SO in the next available vacancy preferably within a short period.

6. Under the circumstances, R-4 is directed to implement the orders of R-2 in posting the applicant at Bitragunta or nearby place within a period of four months from the date of receipt of a copy of this order.

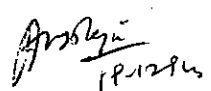
7. The OA is ordered accordingly. No costs.




(R. Rangarajan)
Member (Admn.)

Dated 15th Dec., 1994.
Dictated in the open court.

Grh.


Deputy Registrar (J)

Prgr

TYPED BY

COMPARED BY

C.C. Reddy
19/12/94
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. R. RANGARAJAN.: M(ADMIN)

DATED: 15-12-1994

~~ORDER/JUDGEMENT~~N:

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

in

O.A.No.

1105/93.

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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