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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1217/95.

Dt. of Decision : 13-10-95.

M.A.Ghani

.. Applicant.

Vs

1. Union of India, Rep. by
the Sr.Suptt. of Post Offices,
Hyderabad City Division,
Hyderabad-1.

2. The Senior Postmaster,
Hyderabad G.P.O,
Hyderabad-1.

3. Sri. Syed Sadiq Ali

.. Respondents.

Counsel for the Applicant : Mr. Y.Appala Raju

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

The Hon'ble Shri R. Rangarajan, Member (Admn.)

OA 1217/95.

Dt. of order: 13.10.95.

X Order passed by Hon'ble Sri R.Rangarajan, Member(A) X

The applicant is now working as Sorting Postman at General Post Office, Hyderabad. The applicant was selected for the post of Cash Overseer in the Hyderabad GPO, in terms of Office Order No.B2/Stg.Postman/Dlgn. dt. 16.2.94 (Annexure-IV) after calling for volunteers for the post by notification dt. 20.12.1993 (Annexure-III). The post of Cash Overseer carries a special allowance of Rs.30/- per month though the scales of pay of the Sorting Postman and the Cash Overseer are the same. Hence, it is reasonable that the authorities have called for the volunteers for selection for the post which carries additional allowance.

2. The applicant while working as Cash Overseer was sent back on 1.7.1995 as Sorting Postman by the Senior Post Master as per the Order Book entry dt. 1.7.1995 (Annexure A.1). He was replaced as Cash Overseer by R-3 by the same order dt. 1.7.1995. He appealed against the same to the Senior Superintendent of Post offices and his appeal was rejected by proceedings No.BII/Stg PM/Dlg/95 dt. 28.8.1995.

3. Aggrieved by the same he has filed this OA for a declaration that the order of Sr. Post Master, Hyderabad (Respondent No.2) issued vide Item-73(1) dt. 1.7.1995 of the office order book as upheld by the Senior Supdt. of Post offices, Hyderabad City Division in his letter No. BII/Stg PM/Dlg/95 dt. 28.8.1995 is violative of principles of natural justice, arbitrary, unjust, untenable and unsustainable in law and set aside the same and for a further declaration that the orders issued by R-2 on 1.7.95 posting Sri Syed Sadik Ali (R-3), junior to the applicant is illegal, untenable and set aside the same.

...3/-

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: 3 :

4. Sri N.R.Devaraj, learned Standing Counsel for the respondents strenuously argued that the scale of the pay of the Sorting Postman and Cash Overseer being the same, there is no irregularity if the applicant is sent back as Sorting Postman and his place is taken over by R-3. This inter-change in no way affects the rights of the applicant.

5. The learned counsel for the applicant admits that though the posts are interchangeable, as the post of Cash Overseer carries the special allowance of Rs.30/-p.m., it is essential that a Senior selected person should only be posted in that post instead of posting a junior. There is some logic in that argument.

6. The learned counsel for the applicant also fairly submitted that the applicant can be sent back as Sorting Postman only if his work is not satisfactory as he has to deal with cash.

7. As the representation to the Senior Superintendent of Post Offices, i.e. the Respondent No.1 has been rejected, the applicant may appeal to the Director of Postal Services, Hyderabad city Region, who can call for the records and examine whether the interchange is in order or not as he is a senior seasoned official of the department ^{overruling} ~~overruling~~ the orders of R-1. If the inter-change has been done to favour some official, the Director of Postal Services should take action to set-right the posting.

8. In these circumstances, the following direction is given:-

The Director of Postal Services, Hyderabad City Division should call for records in connection with the replacement of applicant from the post of Cash Overseer by

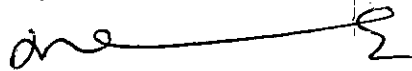
...4/-



R-3) and also peruse the contentions in this O.A.

(a copy of which is being sent to him) and take a judicious decision whether the interchange now ordered between the applicant and R-3 is valid or not. Before he issues any order, he should give an opportunity to the applicant to explain his case in person, if the applicant submits a request to that effect in writing within 10 days from the date of receipt of this order. A reply has to be given to the applicant within a period of two months from the date of receipt of a copy of this order after necessary scrutiny and hearing the applicant if such a request is made.

9. The OA is ordered accordingly. No order as to costs.


(R. Rangarajan)
Member (Admn.)

Dated 13th October, 1995.
Dictated in open court.

avl/.
Grh.


Deputy Registrar(J)CC

To

1. The Sr. Superintendent of Post Offices,
Hyderabad City Division, Union of India,
Hyderabad-1.
2. The Senior Postmaster, Hyderabad G.P.C.
Hyderabad-1.
3. One copy to Sri Syed Sadiq Ali,
Sorting Postman(now working as Cash Overseer)
Hyderabad G.P.C. Hyderabad-1.
4. One copy to The Director, Postal Services,
Hyderabad City Region, Hyderabad.
5. One copy to Mr. Y. Appala Raju, Advocate,
Plot No. 132, Indraprastha Township (phase. I) Vinayanagar,
Saidabad, Hyderabad-59. A.P.
6. One copy to Mr. N. R. Devraj, Sr. OGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 13-10-1995

~~ORDER/JUDGMENT~~

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

in
O.A.No. 1217/95

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

No Spare Copy

