

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

..

O.A.No.1506/97.

Date of decision: 28-11-1997.

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Between:

R. Sambamurthy. Applicant.

And

1. The Senior Superintendent of Post
Offices, Secunderabad Division,
Secunderabad.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad. .. Respondents.

Counsel for the applicant: Sri S.Ramakrishna Rao.

Counsel for the respondents: Sri K.Bhaskara Rao.

CORAM:

Hon'ble Sri H. Rajendra Prasad, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri H. Rajendra Prasad, Member (A))

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Heard Sri S.Ramakrishna Rao for the Applicant and
Sri K. Bhaskara Rao for the Respondents.

The applicant was functioning as EDBPM, Alwal,
from 1976 to 1995, when the B.O., was merged with Alwal
Sub Post Office. Thereupon he was posted as E.D.Stamp
Vendor in Alwal Sub Post Office. In the same year the
post of EDSV was, however, abolished due to lack of
continued justification and the applicant was directed

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to work as EDDA, Balanagaf Township Sub Post Office.

The applicant submits that he is past 55 years of age, does not keep good health and physically incapable of performing onerous outdoor duties not being in a position to ride a bicycle. Quite apart from this, the applicant is said to have suffered personal tragedies by way of the death of his wife and only son who was studying in final year of B.Tech. Resultantly, he is now left with the responsibility of looking after his motherless daughter aged 8 years.

The applicant has been representing to the Authorities to accommodate him in any of the offices located within a reasonable distance of Old Alwal of which he has long been a permanent resident. Some sort of promise, or at least an impression, appears to have been given to the applicant that his request would indeed be considered at an appropriate time whenever a suitable opportunity arose to do so. He has now been asked to join as EDDA, J.J.Nagar S.O., which is at a considerable distance from his residence. The matter also appears to have been taken up with Respondent No.2 at some point, as seen from Annexure A-6. It was conveyed to the applicant that the SSPOS Secunderabad Division had been advised to offer him any vacant EDSV post in Secunderabad Division.

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It is submitted on behalf of the applicant that even while his representation was pending consideration, the available or arising posts of EDSV, A.S.Rao Nagar, ECIL S.O., and Ramakrishnapuram Sub Post Offices were filled up by bringing other displaced EDAs from elsewhere in the Division, in the process placing him^{at} a permanent dis-advantage. He submits that he could as well have been considered for any of the above three openings in preference to younger officials who had been brought in from mofussil^f_s areas.

The grievance of the applicant appears to be genuine. Prima facie, it could even be said that his is a pathetic situation, necessitating the kind of relief which he claims. We, therefore, urge and ask Respondent No.2, Chief Post Master General, to have the facts of the case scrutinised closely, and thereafter to examine the feasibility of accommodating the applicant in any of the post offices (preferably but not necessarily as EDSV) which are located within a reasonable distance from his house in Old Alwal. This may be done subject to administrative feasibility though it is felt that a meaningful effort ought to be made to solve the apparently genuine problem of an employee who has been with the Department for more than two decades. We hope and trust that an equitable and just decision would be arrived

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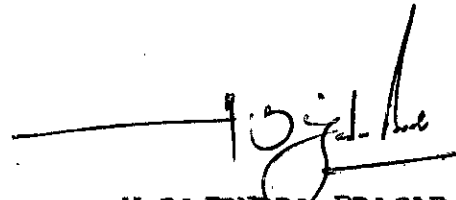
at by the Chief Postmaster General within 30 days of the receipt of a copy of this order. This time-limit is indicated on account of the fact that the applicant, who is merely an Extra Departmental Delivery Agent, has been without any firm offer of a job, and consequently without any allowances, for the past nearly 15 months or more.

With the above observations the O.A., is disposed of. No costs.



B.S. JAI PARAMESHSWAR,

28.11.97 MEMBER (J)

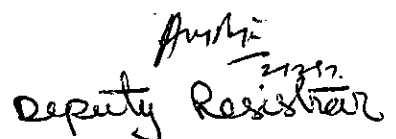


H. RAJENDRA PRASAD,

MEMBER (A)

DATE: 28-11-1997.

Dictated in open Court.


Deputy Registrar

SSS.

O.A.1506/97

To

1. The Senior Superintendent of Post Offices,
Secunderabad Division, Secunderabad.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.
3. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr. K.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

pvm.

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I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)
The Hon'ble Mr BS Jaisankar : M(D)

DATED:- 28/11/97

~~ORDER~~ JUDGMENT.

M.A../RA../C-A.No..

in

O.A.No. 1506/97

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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
विवरण / DESPATCH

- 5 DEC 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

High court File No. 40/99.

27

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 1079 /1999

Petition was filed in the High Court of Andhra Pradesh
by Sri R. Samba Murthy ^{1/2} Jy. Sr. Supdt. of Polt Office
Sec'l to Dir., Sec'l to Dir. & Dy.
against the Order/Judgment of this Hon'ble Tribunal ~~is~~.

dated 28-11-97
and made in O.A.No. 1506/97.

The High Court was pleased to Dismiss ^{the writ petition} ~~the writ petition~~ ~~Order Interim~~
~~Suspension stay the operation of Judgment on~~ on 9-6-99.

The Judgment of the Tribunal in O.A.No. 1506/97

order of the High Court of Andhra Pradesh enclosed
and the order of the High Court of Andhra Pradesh enclosed
herewith for perusal.

Submitted.

Deputy Registrar.

Hon'ble Vice-Chairman.

Hon'ble Member(A) I

Hon'ble Member(A) II

Hon'ble Member(J)

HC-40/99 28
IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE NINTH DAY OF JUNE
ONE THOUSAND NINE HUNDRED AND NINTY NINE

PRESENT:

THE HONOURABLE MR. JUSTICE: B. SUBHASHAN REDDY
A N D

THE HONOURABLE MR. JUSTICE: L. DHARMA RAO

WRIT PETITION NO. 1079 of 1999

Between:

R. Sambamurthy.

... Petitioner

A N D

1. The Sr. Superintendent, of Post Offices,
Secunderabad Division, Secunderabad.

2. The Chief Postmaster General,
A.P. Circle, Hyderabad.

3. The Registrar, Central Administrative
Tribunal, Hyderabad Bench, Hyderabad.

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or in the nature of Writ of Mandamus directing the respondents to offer the (within the vicinity of Alwal) or post of ED/SV in any post office nearby to the place from where he has been displaced showing the alternative appointment as per Service Rules of ED Staff and consequently set aside the order No. ST/ED/SD/95 dt. .4.1998 of IInd Respondent denying the alternative appointment of the petitioner nearer to the place from which he was thrown out and purposefully offering far-off places in order to put the petitioner to disadvantage with an intention to harass him and suspend the ambiguous orders in OA No.1506/97 dated 28.11.1997 of the Hon'ble CAT, Hyderabad declaring the same as arbitrary, illegal, un-warranted and in violation of Articles 14 & 16 of the Constitution and further direct the respondents to appoint/post the petitioner as ED/Stamp Vendor in any post existing in the Secunderabad North Division, with all the consequential benefits.

For the Petitioner: Mr. Sanka Ramakrishna Rao, Advocate.

For the Respondents: Mr. Phalguna Rao, S.C. for Central Govt. for RR 1&2.
R-3 is not necessary party.

The Court made the following Order: (Per B. SUBHASHAN REDDY, J.)

This writ petition has been filed assailing the order dated 28.11.97 passed by the Central Administrative Tribunal, Hyderabad Bench in O.A.No. 1506 of 1997.

The said O.A. was filed questioning the transfer of the Petitioner, who was working as E.D.B.P.M., Alwal. He was at Alwal from 1976 to 1995 and when the Branch Office was merged with Alwal sub-Post Office, he was posted as E.D. Stamp Vendor in Alwal sub Post Office. After the abolition of the said post, he was posted to work as E.D.D.A. Balanagar Township Sub Post Office. Petitioner is aggrieved by the said arrangement on the ground that he is not physically fit to hold the outdoor duties by riding a bicycle at the far off place like Balanagar and he suffered personal tragedies of death of his wife and only son and that he is looking after a minor daughter. Keeping all these factors into consideration, the Tribunal has granted some favourable directions and it is for respondents 1 and 2 to consider the same. As such, we do not see any grounds to interfere with the order of the Tribunal.

The writ petition is, therefore, dismissed. No costs.

Sd/-A. Ranga Suri,
Asst. Registrar.

// TRUE COPY //

SECTION OFFICER

1. The Sr. Superintendent of Post Offices, Secunderabad Division, Sec'bad
2. The Chief Postmaster General, A.P. Circle, Hyderabad.
3. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyd.
4. Two c.d. copies.

KURR.