

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.540/93

Dt. of order: 30.9.'93

Chandra Swaroop Bhatnagar : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.K.L.Thawani : Counsel for applicant

Mr.K.N.Shrimal : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.O. P. SHARMA, MEMBER (ADM.)

Applicant Chandra Swaroop Bhatnagar, has filed this application under Sec.19 of the A.Ts Act, 1985, praying that the order dated 18.8.93 (Annx.A-1) by which he has been transferred from the post of Sub Postmaster, Sub-Post Office, Mansarowar, Jaipur to the post of Postal Assistant in the Sub-Post Office Shyamnagar, may be quashed.


2. The applicant has stated that he was recruited as a Postal Clerk in 1963 and has since put in 30 years service. He was promoted to LSG grade and thereafter to HSG grade in August 1992. From November 1992, he had been working as Sub-Postmaster, Parivahan Marg Sub-post Office, Jaipur. Thereafter, he was transferred as Sub-Post Master, Sub-Post Office, Mansarovar, Jaipur, where he had been working till the impugned order was passed. The basic objection to the order of transfer is that in his earlier capacity as Sub-Postmaster he was working in a supervisory capacity supervising the work of some other employees of the Postal Department. Now he has been appointed as a Postal Assistant and has to do original work himself. This amounts to derogation ~~reduction~~ from his status as a supervisory authority. He has also assailed the transfer order as being arbitrary


and not in the public interest because no reasons have been given why this order has been passed.

3. The respondents have resisted the application stating that in a Sub-Post Office all work is disposed of by the same person and therefore it cannot be said that there was any lowering of the status of the applicant when he was posted as a Postal Assistant. They have denied that the post of Sub-Postmaster is a supervisory post, because the Sub-Postmaster has to do work single handedly. During the arguments the learned counsel for the applicant has stated that there was another Clerk in the Post Office at Mansarovar to assist him in the discharge of his duties. He has also filed a copy of the order passed by this Bench in O.A.No.587/92 Damodar Prasad Gupta Vs. UOI, dated 1.2.93, wherein a similar question was involved. By this order, the Tribunal had directed that since the applicant had been earlier working as Sub-Post Master and officials junior to him were also working as Sub-Post Master, the applicant should be posted as Sub-Postmaster in the same Division as early as possible.

4. The learned counsel for the respondents has stated that the facts of the case in which the order dated 1.2.93 (supra) has been passed by the Tribunal are different from those of the present case. He has stated that there were four Clerks working in the Sub-Post Office with the applicant in O.A.No.587/92, therefore, the said post might have been considered as supervisory in nature. The learned counsel for the respondents has also drawn our attention to Annx.R-1 to the reply whereby the applicant had made representation to the higher authority pointing out the difficulties in the working of the Sub-Post Office due to lack of staff ~~is being required~~ to attend ^{to} multifarious ^{duties} which he was finding difficult to perform satisfactorily.

5. We have heard the learned counsel for the parties and have perused the records. Admittedly the scale of pay of the post of Sub-Postmaster and that of the Postal Assistant is the same. The question ~~is~~ whether there was any derogation in the status of the applicant on his being transferred from the post of Sub-Postmaster, Sub-Post Office Mansarovar to Sub-Post Office Shyamnagar as Postal Assistant in Jaipur itself. Even according to Annexure:R-1, the applicant was himself prepared to perform various duties which are required to be performed by a Clerk, who has to do the original work. We do not find that the applicant was substantially discharging the duties of a supervisory authority while working as Sub-Postmaster in Sub-Post Office, Mansarovar. In the O.A.No.587/92, in the decision given by this Bench of the Tribunal, it has been stated that since the applicant had been working as Sub-Post Master and officials junior to him are also working as Sub-Postmaster, the applicant shall be posted as Sub-Postmaster as early as possible. This decision was rendered on the facts of that particular case and cannot have a general applicability. It is not required that in every order of transfer reasons for transfer must be given. We ^{having} do not find anything wrong ~~has~~ been done by the respondents in transferring the applicant from the post of Sub-Postmaster in one Sub-Post Office to the post of Postal Assistant in another Sub-Post Office. Since there is no merit in the O.A., it is dismissed with no order as to costs.


(O.P. Sharma)
Member(A)


(Gopal Krishna)
Member(J).