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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

OA No. 387/97

Date of order: 7.4.1998

Guman Singh aged about 50 years resident of village and post office Gudhagorjika, District Jhunjhunu and working as Sub Postmaster, Gudhagorjika.

... Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Post, Ministry of Communications, New Delhi - 110 001.
2. Director, Postal Services Rajasthan, Western Region, Jodhpur.
3. Superintendent of Post Offices, Jhunjhunu Division, Jhunjhunu - 331001.
4. R.E.Goyal, Superintendent of Post Offices, Jhunjhunu - 333 001.

... respondents

Mr. K.L.Thawani, counsel for the applicant

Mr. K.N.Shrimal, counsel for the respondents

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

O R D E R

Per Hon'ble Mr. Ratan Prakash, Judicial Member

The applicant herein Shri Guman Singh has challenged the impugned order dated 4.8.1997 (Ann.A1) whereby he has been shifted from Gudhagorjika to Chirawa Head Office.

2. The facts relevant for the disposal of this application are that the applicant at his own request was shifted from Ponkh and posted as Sub Post Master, Gudhagorjika vide order dated 17.4.1997 (Ann.A2) and as such was not paid any TA and DA. The grievance of the

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applicant is that vide the impugned order dated 4.8.1997 (Ann. Al) i.e. only after three months he has been shifted to Chirawa Head Office whereas the tenure of Sub Post Master and Postal Assistant is of four years.

3. The respondents have opposed this application by filing a counter to which the applicant has also filed a rejoinder. To this rejoinder the respondents have also filed a reply to the rejoinder and thereafter the applicant has filed an affidavit and a reply of it has been further filed by the respondents. The stand of the respondents is that the applicant was transferred to Gudhagorjika by one Shri P.N.Meena, then Superintendent of Post Offices, Jhunjhunu. After the transfer of Shri Meena, Shri Pritam Singh, Superintendent of Post Offices found that there has been a short/excess postings in the office in the Postal Assistant Cadre at Jhunjhunu as per the statement given in para 4 (A). It has further been mentioned that after enquiries at the level of Assistant Post Master General, Jodhpur, it has been noticed that there have been following excess postings:

1. Gudhagorjika - one Postal Assistant
2. Mandawa - one Postal Assistant
3. Mukundgarh - one Postal Assistant
4. Udaipurwati - one Postal Assistant
5. Jhunjhunu Court - one Postal Assistant
6. Bagar - one Postal Assistant
7. Nawalgarh - three Postal Assistants

The defense of the respondents /that there has been excess posting of one Postal Assistant at Gudhagorjika consequent upon the posting of the applicant as the sanctioned strength there is only one Sub Post Master and one Postal Assistant. Since there has been excess posting



at Gudhagorjika, the applicant has been posted at Chirawa vide impugned order dated 4.8.1997 and that the application deserve rejection.

4. At the time of filing of this OA, an interim direction was ~~to~~ issued on 22.9.1997 whereby the impugned order dated 4.8.1997 (Ann. Al) has been stayed and it is continued till date.

5. I heard the learned counsel for the applicant and for the respondents, at great length and has examined the record in great detail.

6. The only point for determination in this OA is whether the impugned order dated 4.8.1997 shifting the applicant from the post of Sub Post Master, Gudhagorjika to Chirawa is violative of Articles 14 and 16 of the Constitution of India and that the applicant as of right can insist that he should not be shifted from Gudhagorjika.

7. From the pleadings of the parties two things are made out ^{First} that the applicant has been shifted from Ponkh to Gudha Gorjika at his own request and own cost and that to ~~by~~ by the competent authority. The second aspect is that the successor Superintendent of Post Offices, Jhunjhunu had found that there has been excess posting at Gudhagorjika and to set the things right the applicant has now been ordered to be shifted from Gudhagorjika to Chirawa. Though it is true that the respondents are taking necessary action against the defaulting officials, who has transferred the applicant from Ponkh to Gudhagorjika but that does not absolve the respondent Department from their liability to adhere to the order shifting the applicant from Ponkh to Gudhagorjika. It is also not in dispute that when a person is posted at a place ordinarily he should



not be shifted before he completes his tenure of four years. The applicant admittedly has stayed at Gudhagorjika only for about three months before he has been ordered to be shifted to Chirawa vide the impugned order dated 4.8.1997. It is for the respondents to set the things right by issuing appropriate orders to shift one of the persons who is junior to the applicant in the Postal Assistant Cadre at Gudhagorjika and to maintain the sanctioned strength at this station.

8. In view of above, the impugned order dated 4.8.1997 (Ann. Al) is quashed with no order as to costs.



(Ratna Prakash)

Judicial Member