

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.271/2000

Date of order: 15/3/2007

Smt. Madhuri Joshi, W/o Shyam Sunder Joshi, R/o A10,  
Main Road, Jawahar Nagar, Kota, working as Sub  
Postmaster Kota City, Kota.

...Applicant.

Vs.

Union of India through Secretary to the Govt of India,  
Dept. of Posts, Mini. of Communication, Dak Bhawan,  
New Delhi.

2. Post Master General, Rajasthan Southern Region, Ajmer.
3. Director Postal Services, Rajasthan Southern Region, Ajmer.
4. Sr. Supdt. of Post Offices, Kota Postal Division, Kota.
5. Neeraj Kumar, Sr. Supdt of Post Offices, Kota Divn, Kota
6. Gaja Nand, Postmaster, N.G.Mandi, Kota.

...Respondents.

Mr.K.L.Thawani - Counsel for the applicant.

Mr. Hemant Gupta Proxy of Mr.M.Rafiq - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1925, the applicant makes a prayer to quash and set aside the impugned order at Annx.A1 and to direct the respondents to continue the applicant as Sub Post Master, Kota City which is a norm based HSG II Supervisory post or post the applicant as Post Master, N.G Mandi, Kota, which is another norm based HSG II supervisory post where the present Postmaster Sh.Gajanand, Resp.No.5 has completed his tenure.

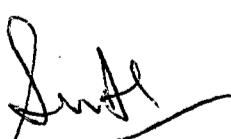
  
2. The grievance of the applicant in this O.A mainly is that the applicant should have been posted in norm based HSG

II supervisory post as she is senior in HSG cadre. But here present posting on the post of APM(SB) is not proper as the same is not a norm based HSG II supervisory posting. It is stated that there are 3 posts of norm based HSG II supervisory post in Kota. The tenure of Shri Gajanand, Resp.No.5 has already expired and he should have been transferred and posted vice the applicant and the applicant should have been posted as Post Master N.G.Mandi, Kota but respondent No.4 has acted malafidely to harass and humiliate the applicant. Therefore, the applicant filed the O.A for the relief as above.

3. Reply was filed. In the reply it is stated that there are 7 officials senior to the applicant and out of them 5 are working in LSG norm based post and so long as these 5 persons are posted against HSG norm based post the applicant cannot be straightaway posted as HSG norm based post. It is also stated that earlier the applicant was erroneously posted on HSG norm based post, Since the posting on HSG II norm based post is based on entirely on the basis of seniority in BCR grade for which the applicant was not eligible as per her seniority in gradation list, therefore, the claim of the applicant is baseless on the ground that he was promoted and posted as HSG norm based post earlier. Therefore, she is not entitled to be posted on HSG supervisory norm based post. It is denied that the applicant is senior to Sh.Gajanand in HSG II cadre. It is also denied that the applicant was posted as APM(SB) N.G.Mandi malafidely and with a view to harass and humiliate the applicant. Therefore, it is stated that the applicant has no case for interference by this Tribunal.

4. Heard the learned counsel for the parties and also perused the whole record.

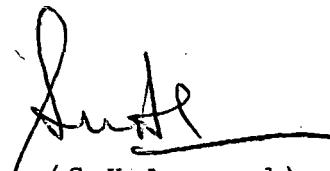
5. The prayer of the applicant is to quash the order at Anxx.A1, so far as the applicant is concerned and to direct



the respondents to continue the applicant on the post of Sub Post Master, Kota City Post Office which is a norm based HSG supervisory post or in the alternative to post the applicant as Post Master in N.G Mandi, Kota, which is another norm based HSG supervisory post. But as per the reply filed by the respondents, it has been made very clear that the applicant is not entitled for the same as posting on HSG II norm based post is based entirely on the basis of seniority in BCR grade and the applicant cannot have any claim on the basis of seniority. The applicant failed to establish the fact of any malafide or arbitrariness on the part of the respondents and it is not at all established that the applicant was transferred/posted vide the impugned order at Anxx.Al with a view to harass or humiliate the applicant. If a post on which the applicant was transferred carries the same scale of pay as the former post, the mere fact that the post on which the applicant was transferred does not have extra power/privileges, does not make any difference. If both the posts are in the same cadre, in the same scale of pay, then there can be no grievance to the applicant if she has been transferred and posted by the impugned order at Anxx.Al.

6. In view of above, I am of the considered opinion that the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

7. I, therefore, dismiss the O.A having no merit with no order as to costs.

  
(S.K. Agarwal)

Member (J).