

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 05.12.2001

OA 183/2001

Motilal son of Shri Thakuri Ram by caste. Sharma aged about 47 years. Resident of Village Khorohi, District Bharatpur, presently working as E.D.M.C. in the post office Khori, District Bharatpur.

....Applicant.

VERSUS

1. Union of India through the Secretary to the government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Bharatpur Dn., Bharatpur.
4. Inspector, Post Office Deeg, Sub Dn. Deeg, District Bharatpur.

....Respondents.

Mr. P.N. Jatti, Counsel for the applicant.

Mr. B.N. Sandu, Counsel for the respondents.

CORAM

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

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

ORDER

PER HON'BLE S.K. AGARWAL, MEMBER (JUDICIAL)



.... 2/-

In this OA, filed u/s 19 of the Administrative Tribunal's Act, applicant makes a prayer to quash and set aside the impugned order dated 26.02.2001 (Annexure A-1) and allow the applicant to work at Khohri Post Office.

2. The facts of the case, as stated by the applicant, are that he is working as EDMC at Khohri Post Office w.e.f. 12.1.1981 but respondent no. 4 vide its order dated 26.2.2001 wants to relieve the applicant from Khohri to Januthar, which is 30 KMS far from the working place of the applicant. It is stated that applicant is working at Khohri Post Office since 1981 and recruitment rules do not provide for transfer of EDMC from one place to another. Applicant has filed representation but the same has not been decided/disposed of so far. If the applicant is relieved from Khohri, he will ^{face} irreparable loss. Therefore, therefore, the applicant the OA for the relief, as above.

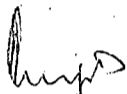
3. Reply was filed. In the reply, it is stated that the Post of Khohri was declared as surplus due to heavy loss and low work load and alternative job was to be given to the surplus staff. Therefore, respondent no. 4 issued order dated 28.2.2001, which is perfectly legal and valid:

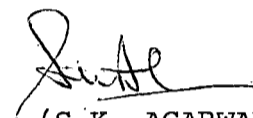
4. Heard the learned counsel for the parties and perused the whole record.

5. The learned counsel for the applicant submits that if the post of E.D.M.C. at Khohri is operated, the applicant should be given priority over others. He also submits that applicant had filed representation and he is also ready ready to file a fresh representation. Therefore, suitable direction must be given to respondent department to decide/dispose of his representation sympathetically, considering his grievance as per rules.

6. In view of the submissions made by the learned counsel for the applicant before us, we direct respondent no. 2 to decide/dispose of the representation, if filed by the applicant within a month from the date of passing of this order, within two months thereafter by a reasoned and speaking order, considering the grievance of the applicant as per rules/law. We also direct that if respondents like to operate the post of EDMC at Khohri, the applicant should be given priority over others.

7. With the above directions, this OA is disposed of with no order as to costs.


(A.P. NAGRATH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)

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