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OF C.A.T. (PROCEDURE) RULES

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR

(1) O.A. No. 542/2001

Date of Decision: 17/9/2001

with

M.A. No. 409/2001

and

M.A. No. 76/2002

Gopal Singh son of Shri Kalyan Singh aged about 55 years, resident of 9/126, Vidhyadhar Nagar, Jaipur. Presently working as HSG-II, Postal Assistant, Postal Life Insurance Section on temporary arrangement o/o Chief Post Master General, Rajasthan Circle, Jaipur.

...APPLICANT.

versus

1. Union of India through Secretary to the Govt. of India, Department of posts, Ministry of communication Dak Bhawan, New Delhi - 110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302007.

...RESPONDENTS.

(2) O.A. No. 543/2001

with

M.A. No. 412/2001

and

M.A. No. 77/2002

S.D. Soni son of Shri Khem Raj Soni aged about 57 years, resident of quarter No. H-1, P & T Colony Behind G.P.O., Jaipur. Presently working as HSG-II, Postal Assistant, Office of X.E.n. Electrical Postal Division Jaipur on temporary arrangement.

...APPLICANT.

versus

1. Union of India, through Secretary to the Govt. of India,

Department of posts, Ministry of communication Dak Bhawan, New Delhi - 110 001.

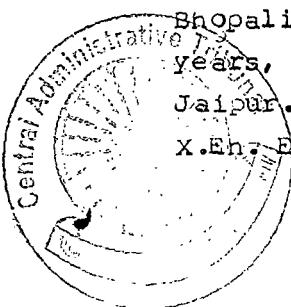
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302007.

... RESPONDENTS .

(3) O.A. No. 555/2001

with

M.A. 56/2002



Bhopali Ram Meena son of Shri Ram Lal Meena, aged about 47 years, resident of Plot No. 5, Saraswati Nagar, K-I, Jagatpura, Jaipur. Presently working as LSG, Postal Assistant, Office of X.Eh. Electrical Postal Division, Jaipur on temporary arrangement.

... APPLICANT

v e r s u s

1. Union of India, through Secretary to the Govt. of India, Department of posts, Ministry of communication Dak Bhawan, New Delhi - 110 001.
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302007.

... RESPONDENTS .

Mr. C.B. Sharma, counsel for the applicant.

Mr. N.C. Goyal, counsel for the respondents.

CORAM:

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER.

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

: O R D E R :

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

The applicants in these three Original Applications are

aggrieved by the order dated 09.11.2001, annexed in OAs. as Annexure A/1, respectively, by which they have been ordered to be allotted permanently to Jaipur City Division, Jaipur with immediate effect. Since cause of action in the case of these three applicants is same, we are deciding these O.As. by this common order.

2. The facts, briefly stated, are that these three applicants were transferred to Returned Letter Office (R.L.O., for short), on their own request under provisions of Rule-38 of P & T manual volume-IV subject to the conditions stated in those letters. The applicants have annexed these as Annexure A/2 with their respective O.As. One of the terms included in this letter, and on which lot of stress has been laid by the learned counsel for the applicants, states that he (the respective applicants) will not claim repatriation to his parent unit. By the impugned order dated 09.11.2001, these three applicants have been ordered to be permanently allotted to Jaipur City Division, Jaipur. Their present posting has been indicated as under:-

<u>Sl.</u>	<u>Name of the official</u>	<u>Present Posting</u>
<u>No.</u>		
1.	Shri Gopal Singh	PLI Section C.O. Jaipur.
2.	Shri S.D. Soni	HSG.II/BCR P A temporarily attached with O/O XEN Electrical Postal Dn Jaipur
3.	Shri Bhopali Ram Meena	PA RLO temporarily attached with O/O XEN Electrical Postal Dn. Jaipur

3. By interim order, the Tribunal had directed the respondents to maintain status quo with regard to the posting of the applicants and these interim orders have

continued to operate. The respondents have filed M.A.S. for vacation of stay and two of the applicants have filed M.A.S. for interim relief.

4. Heard the learned counsel for the parties and perused the records.

5. These O.A.S. have been filed based on the apprehension that with issue of impugned orders, the applicants' seniority unit will get changed, which will have adverse impact on their career growth. Learned counsel for the applicants Mr. C.B. Sharma vehemently protested against what he strenuously termed as repatriation of three applicants to Jaipur City Division. His plea was that the applicants have been transferred to R.L.O. after their own request had been acceded to, under the provisions of Rule-38 of P & T manual volume-IV. The said transfer orders also stipulated that they will not claim repatriation to their parent unit. Mr. Sharma contended that while denying the right of repatriation to the applicants, the respondents have done just the opposite and are themselves repatriating them to Jaipur City Division. It is not in dispute that on implementation of the impugned order, the change of station shall not be involved and the applicants will continue to work at Jaipur only.

6. We have carefully gone through the impugned orders. We do not find the use of the word repatriation in that order on which so much of emphasis has been laid by the learned counsel for the applicants. It is no doubt that repatriation would mean change of the seniority of the applicants from R.L.O. to their erstwhile seniority units. On this point, learned counsel for the respondents, Mr. N.C. Goyal, categorically

has assured us that this order will not affect the seniority of the applicants as their seniority shall continue to be maintained in R.L.O. It is only that considering their individual experience and background, they are being put to utilise in Jaipur City Division, Jaipur. To this effect, the respondents have also filed specific orders through Misc. applications emphasising that the seniority of these applicants shall continue to be maintained in R.L.O. These orders have been taken on record record.

7. In view of this categorical assurance from the respondents, we do not find any ground for this Tribunal to interfere in the impugned order. It is not a case of repatriation as has been made out by the applicants but merely an order by which they have been asked to work permanently in Jaipur City Division. The respondents have clearly stated in the reply that presently there is no sufficient work in R.L.O. and there is a need to redeploy surplus staff wherever the requirement exists, instead of their sitting idle in R.L.O. Such an action is clearly in the public interest and cannot be faulted with. Learned counsel Shri C.B. Sharma vehemently objected to applicants' being shifted to Jaipur City Division for the reason that the applicants will be required to handle completely different type of work as compared with nature of work in R.L.O. Interestingly, we find that the three applicants even presently have not been working in R.L.O. Apart from what has been indicated in the impugned order, the learned counsel for the applicants stated before us that the applicants are working in the Headquarters office of Chief Post Master General. We have been wondering if the applicants have had no objection to their working in the Headquarters office of Chief Post Master General which is

not an K.L.O., how can they now object to their services being utilised elsewhere by the department where need had arisen and especially when their seniority is not getting affected and their further advancement shall be only in the K.L.O. cadre. There is no ground ~~been~~ made out which could be indicative of the action of the respondents, as having adverse effect on the rights of the applicants. The learned counsel on their behalf, in support of his contentions referred to the cases of Union of India and Ors. Vs. Guru Charan Das, 1997 SCC (L&S) 987 and Umapati Choudhary Vs. State of Bihar and Anr., 1999 SCC (L&S) 902.

8. In the case of Guru Charan Das, the Apex Court was considering the case regarding admissibility of deputation allowance as per the terms in the offer of appointment. There is no relevance of the issue involved in that case with the matter before us.

9. In the case of Umapati Choudhary, that was a case of repatriation of a deputationist which was held to be not permissible, after the deputationist had been permanently absorbed in the borrowing department, with the consent of both the lending and the borrowing department. In the present case, the respondents have very categorically stated that applicants are not being repatriated but merely their services have been ordered to be utilised in the Jaipur City Division. Obviously the ratio of this case is also of no help to the applicants as they are not being repatriated.

10. The department has given sound and convincing reasons as to why the services of the applicants are required to be utilised in Jaipur City Division. The applicants have failed to make out any case for any interference by us.

11. We therefore dismiss these applications as having no substance and merit. The interim orders stand vacated forthwith.

12. Two of the applicants had filed Misc. Applications for interim relief, the respondents have filed Misc. Applications in all the three cases for vacation of the interim orders. We have disposed of these Original Application finally. In view of the order passed in these Original Applications, all these Misc. Applications have become redundant and stand disposed of accordingly.

On behalf of

( J.K. Kaushik )  
Judl. Member

lmpd

( A.P. Nagrath )  
Adm. Member

Certified That This is a True and  
Accurate Copy of The Document/Order  
in the Case File No. ....  
That All The Matter appearing  
thereon Have Been Legibly and Care-  
fully Copied with no Modifications.

Copying Clerk Section Officer(Judl. )  
C.A.T. Jaipur Bldg.

kumawat