

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

May 14th 2002
On
26/2
H.V.C
26/2

O.A. No. 165/2002
T.A. No.

199

DATE OF DECISION

Gopi Lal Gurjar

Petitioner

Mr. C.B.Sharma

Advocate for the Petitioner (s)

Versus

UOI and four others.

Respondent

Mr. N.C. Goyal

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. H.O.Gupta, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(H.O.Gupta)
Administrative Member

(G.L.Gupta)
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR.

O.A.No. 165/2002.

Date of decision:

27.02.03

Gopi Lal Gurjar, S/o Shri Dilsukh, aged about 42, years resident of Village and Post Moloni(Halena) District Bharatpur and at present working as Extra Departmental Branch Post Master, (Gramin Dak Sevak), Extra Departmental Branch Post Office, Moloni (Halena) Bharatpur.

: Applicant.

-versus-

1. Union of India through its Secretary to the Govt. of India, Department of Posts, Ministry of Communications, Dak Bhawan, New Delhi-110 001
2. Chief Post Master General, Rajasthan Circle, JAIPUR 302 007
3. Director, Postal Services, Jaipur Region, Jaipur 302 007
4. Senior Superintendent of Post Offices, Jaipur City Postal Division, Jaipur 302 006.
5. Superintendent of Post Offices, Bharatpur Postal Division, Bharatpur.

: Respondents.

Mr. C.B.Sharma : Counsel for the applicant.

Mr. Satish Surana proxy
counsel for Mr. N.C. Goyal: Counsel for the respondents.

CORAM: The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.
The Hon'ble Mr. H.O.Gupta, Administrative Member.

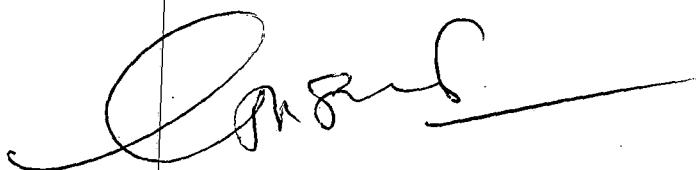


ORDER

Per Mr. Justice G.L.Gupta:

The order Annex. A.1 dated 7.3.2002, whereby the representation of the applicant was rejected has been called in question in this Original Application.

2. The applicant was appointed as EDBPM, Moloni, E.D. Branch Office on 18.3.80. In the year 1998, the respondents conducted departmental test for promotion to the post of Postman from E.D. Staff. The applicant also applied for the post. He was declared successful under the OBC category. Since there was no vacancy available, the applicant's name was kept in the list of surplus candidates of Bharathpur Postal Division. However, as the vacancies were available in the Jaipur Postal Division, the applicant was allotted to Jaipur City Postal Division. He was directed to undergo practical training at Jaipur R.S. Post Office vide memo dated 4.3.99. He was relieved from the original post of EDBPM, Moloni. He joined the training on 11.3.99 and completed the same on 20.3.99. He however, did not join the post of Postman. It is averred that the applicant had to leave Jaipur due to illness of his son and he made a request to respondent No. 5 at Bharatpur to allow him to work as EDBPM, Moloni, vide his representation dated 24.3.99, which was accepted and he was allowed to join his original post i.e. EDBPM, Moloni on 3.4.99. Thereafter, the applicant made a representation to allow him to join as Postman. His request was rejected. Hence this O.A.



3. The respondents' case is that when the applicant was declared as surplus candidate, he made a request for his allotment in the Jaipur City Postal Division and on his request, he was allotted to Jaipur City Postal Division. It is stated that the applicant was imparted training, but after completion of the training, instead of joining the post of Postman, he left Jaipur leaving an application dated 22.3.99 addressed to the Senior Superintendent of Post Offices, Jaipur City Postal Division, stating that he declined promotion due to ill health and on other grounds and that he wanted to go back to the post EDBPM Moloni (Halena). It is stated that the applicant made an application to the SSPO, Bharatpur respondent No. (5) on 24.3.99, requesting him to allow him to join as Gramin Dak Sevak, BPM, Moloni. It is also stated that he voluntarily declined the promotion to the post of Postman. It is averred that since the applicant himself had declined to accept the post of Postman, he cannot now claim promotion to the post of Postman.

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. The application of the applicant Annex. R.1 dated 22.3.99 which was addressed to SSPO, Jaipur City Postal Division, Jaipur City, clearly shows that the applicant had declined to join the post of Postman due to health reasons. It is significant to point out that in his application(Annex. R.1), the applicant even had offered to deposit the amount spent on training. The facts stated in Annex. R.1 lead to irresistible conclusion that the applicant had voluntarily given up his right to join the post of Postman.



The applicant then submitted an application to SSPO, Bharatpur, on 24.3.99(Annex. R.2) wherein he stated that due to health reasons he was unable to perform the duties of Postman and therefore he wanted to ~~serve~~ as Dak Pal Moloni, the post which he was holding prior to his allotment to Jaipur City Postal Division.

6. The aforesaid two documents make it crystal clear that the applicant had declined the promotion that was offered to him. In such circumstances, Respondent No. 2 has not erred when he rejected the representation of the applicant vide Order Annex. A.1 dated 7.3.2002.

7. It is significant to point out that the vacancy which was available for promotion of the applicant has been filled up after the applicant declined to join as Postman. The respondents have thus acted further on the request of the applicant , declining to join as Postman and other person has been appointed on the post. The applicant is now estopped from changing his position.

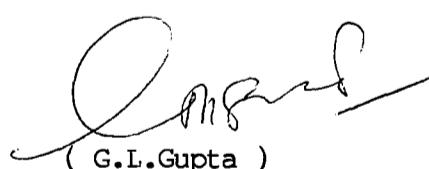
8. No other point was urged before us.

9. Having considered the entire material on record, we do not find any merit in this O.A and dismiss it.

10. No order as to costs.

(H.O.Gupta)

Administrative Member.


(G.L.Gupta)

Vice Chairman.

jsv.