

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR,

Date of order : 05.07.2004

Original Application No.461/2003.

Tara Chand Sharma S/o Shri Tunda Ram Sharma, aged about 44 years, resident of Bahadurpur Road Near Water Tank, Ramgarh.

... Applicant.

v e r s u s

1. Union of India through its 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.
3. Senior Superintendent of Post Offices, Alwar Postal Division, Alwar.
4. Sub Divisional Inspector (Postal) Laxmangarh District Alwar.
5. Shri Hari Om Sharma, Gramin Dak Sewak, Branch Post Master, Piprolli Extra Departmental Post Office under Ramgarh District, Alwar.

... Respondents.

Mr. C. B. Sharma counsel for the applicant.
Mr. N. C. Goyal counsel for respondent NO.1 to4.
None is present for respondent No.5.

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Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. A. K. Bhandari, Administrative Member.

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: O R D E R (ORAL) :

The applicant has filed this Original Application thereby praying for the following reliefs :-

"(i) That the respondents may be directed to allow the applicant to hold the post of EDDA (village) Ramgarh Sub Post Office or he may be allowed to hold the post of Branch Post Master Piprolli by quashing posting orders of respondent No.5 issued by the respondents with all consequential benefits including protection of allowances etc.

(ii) The respondents may be further directed not to disturb the applicant from the present post of EDDA (Village) Ramgarh Sub Office.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. The facts of the case are that the applicant was initially appointed as Extra Departmental Delivery Agent Ramgarh Sub-Post Office on 10.01.1981, whereas, respondent NO.5 was appointed on the post of Gramin Dak Sewak Mail Carrier/Delivery Agent at Khillora on 05.12.1998. Vide impugned order dated 23.09.2003 (Annexure A-3), respondents decided to open new Post Office at village Piprolli and the post of Gramin Dak Sewak Mail Carrier/Delivery Agent was diverted from Khilora EDBO to Piprolli (Ramgarh).

3. The grievance of the applicant is that he should have been posted to the newly created post office instead of posting of Respondent No.5 as he

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has entered into the service after the applicant. Further grievance of the applicant is that the work of Sub-Post Office was diverted to the newly created post office, Piprolli, as such, he has preferential right to be posted there.

4. The respondents have filed reply. In the reply they have explained the circumstances under which respondent No.5 was posted. It is further stated that the Chief Post Master General, Rajasthan Circle, Jaipur, vide DO letter dated 29.07.2003 invited proposals for opening of EDBOs and provision of infrastructural equipment to existing EDBOs for the year 2003-2004 under Annual Plan 2003-2004, copy of which has been annexed as Annexure R-1. The Sub Divisional Inspector (Postal), Laxmangarh submitted a proposal for opening of an Extra Departmental Branch Office and proposed for redeployment post of GDS Mail Carrier/Delivery Agent, Khillora, to Piprolli (Ramgarh) newly proposed EDBO due to the reason that there were two GDS in Khillora EDBO and as per triennial review of 2001, it was found that Khillora EDBO in account with Ramgarh Sub Office is running in heavy loss has been mentioned in the reply affidavit.

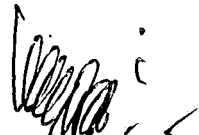
4.1 It is further stated that the Chief Post Master General, Rajasthan Circle, Jaipur, vide letter dated 26.03.2002 intimated that the Khillora EDBO was running in heavy loss and asked to submit a proposal for opening of new Post Office (EDBO) by redeployment of one post under matching saving scheme from Khillora EDBO to newly opened EDBO, so that the loss may be curtailed. The Chief Post Master General, Rajasthan Circle, Jaipur, vide its letter dated 19.09.2003 issued the orders for opening of an EDBO at Piprolli (Ramgarh) and simultaneously the Senior Superintendent of Post

Offices, Alwar, issued the orders for opening of new EDBO at Piprolli (Ramgarh) by redeployment of one post of GDS MC/DA Khillora to newly opened EDBO as GDS BPM Piprolli. In the reply, it has been specifically stated that there is no change in the allowances of the applicant and no change has been made in the place of posting. Thus, according to the respondents the present application deserves to be dismissed summarily.

4.2 The respondents have further stated in Para 5 (A) of the reply that the applicant is working in Ramgarh Sub Office. His place of posting has not been affected at all. The allowance, duty hours, place of work has not been affected. The post of EDDA at Khillora EDBO became surplus because the post was deployed at Piprolli (Ramgarh).

5. In view of the averment made in the reply, prayer of the applicant that respondents may be directed not to disturb the applicant from the present post of EDDA village Ramgarh does not survive. Further the prayer of the applicant made in Para 8.1 regarding pay and allowances also does not survive as the respondents have specifically stated that there is no change in the pay and allowances of the applicant which he is drawing presently. In view of what has been stated above, the Original Application is disposed of with no order as to costs.


(A. K. BHANDARI)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)