

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 501/2003

DATE OF ORDER: 21.10.2003

C.P. Jain son of Shri Sujan Mal Mehta aged about 59 years. Resident of 306, Rajat Colony, Presently working as Post Master (HSG-I) Bundi Head Post Office, Bundi.

.... Applicant.

VERSUS

1. Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan Southern Region, Ajmer.
4. Superintendent of Post Office, Tonk, Postal Division, Tonk.
5. Shri Kishan Lal Meena, HSG-II, PA, Sawaimadhopur Head Post Office, Sawaimadhopur. Ordered to be posted as Post Master Bundi, Head Post Office.

.... Respondents.

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

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed this application whereby praying for the following reliefs:-

- "(i) That respondents be directed to produced entire record relating to the case and after perusing the same memo dated 17.10.2003 (Annexure A/1) as regards to posting of respondent No. 5 at Bundi be quashed and set aside and respondents be further directed to post the applicant at Bundi Head Post Office instead of Manager, Stock Depot Ajmer by modifying memo dated 6.10.2003 in respect of applicant.
- (ii) That respondents be further directed to allow the applicant to work at present place of posting on the post of Post Master Bundi Head Post Office in HSG-I cadre till retirement i.e. 31.3.2005.
- (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 cost of this application may be awarded."

2. The grievance of the applicant in this OA is that he has been transferred vide order dated 6.10.2003 (Annexure A/3) as Manager, PSD, Ajmer whereas the applicant was officiating on higher post as Post-Master, Bundi Head Office. As such the applicant could have been adjusted against the post on account of retirement of one Shri Radhey Shyam. The applicant further alleged that vide order dated

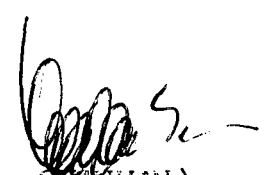
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respondent no. 5, 17.10.2003 (Annexure A/1), Kishan Lal Meena has been posted on promotion at Bundi Headquarter. Thus the learned counsel for the applicant has argued that transfer of respondent no. 5 at Bundi Headquarter is not proper. In fact the applicant who was holding the post in the HSG-I at Bundi HQ could have been adjusted there on account of the policy of the Government dated 7.12.1998 (Annexure A/6) as the applicant is having less than two years of service in superannuation and as per the said policy, the person who have a year or slightly more to go on as on 31st March of the following year before superannuation are exempted from the rotational transfer. The learned counsel for the applicant further submits that he has also made a representation to the respondents nos. 2 & 3 to post him at Bundi in HSG-I cadre vide letter dated 9.10.2003 (Annexure A/4 & A/5) but the respondents have not taken any decision till date.

3. I have heard the learned counsel for the applicant.

4. Without going into merit of the case, it will be appropriate if direction is given to the respondent no. 2 to decide the representation of the applicant dated 9.10.2003 (Annexure A/4). Accordingly respondent no. 2 is directed to dispose of the representation of the applicant dated 9.10.2003 (Annexure A/4) within fifteen days from the date of receipt of the copy of this order keeping in view the guidelines regarding transfer (Annexure A/6) whereby it has been stated that the staff who have one year or slightly more to go on 31st March of the next year before superannuation are exempted from rotational transfer. Till such representation is not disposed of, the applicant ^{shall} not be compelled to join the new station at Ajmer as Manager PSD. Copy of the CA alongwith this order be sent to respondent No. 2.

5. With these observations, the CA is disposed of at admission stage with no order as to costs.


(M.L. CHAUDHAN)
MEMBER (J)