

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 288 of 2004

Jabalpur, this the 31st day of March, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Ghansyam Mehra,
S/o Shri Ganesh Prasad Mehra,
aged about 42 years, Senior
Accountant, Office of Director
of Accounts (Postal) G.T.B. Complex,
T.T. Nagar, Bhopal 462 003

APPLICANT

(By Advocate - Shri S.K. Nagpal)

VERSUS

1. Union of India,
Through: The Secretary,
Ministry of Communications,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.

2. The Director General,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.

3. The Chief Post Master General, MP
Circle, Dak Bhavan, Bhopal

4. Director of Accounts (Postal)
G.T.B. Complex, T.T. Nagar, Bhopal 462 003

RESPONDENT

ORDER (ORAL)

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the following main reliefs :-

(i) quash the impugned order dt. 29.8.2003
(Annexure-A-1) so far as it relates to the applicant.

2. The brief facts of the case are that the applicant was initially appointed as LDC w.e.f. 21.1.1984 in the postal Accounts Department. He was promoted as Junior Accountant and thereafter further promoted as Senior Accountant. He is at present working as Senior Accountant in the office of the respondent No. 4 from 1991. The Government of India, Ministry of Communications, Department of Posts (Postal Accounts Department) by letter dt. 16th September 2003 has issued directions for bifurcation of parent Postal Accounts office Bhopal and shifting of staff to Postal Accounts office for



Chhatisgarh Circle at Raipur. The posting of the applicant is in Chhatisgarh Postal Accounts/due to bifurcation of the parent Bhopal Circle and the creation of Chhatisgarh Postal Accounts circle at Raipur, the applicant has been transferred to Raipur. The applicant contents that he has not yet been relieved to move to Raipur but the orders are likely to be issued. He has submitted a representation dated 15.9.2003. (Annexure-A-3) against his posting in Chhatisgarh Postal Accounts Circle but he has not yet received any decision from the respondents. The respondent No. 4 has informed the applicant vide his letter dated 20.10.2003(Annexure-A-5) that his representation has been forwarded to respondent No. 2 for necessary action and as soon as any information is received from respondent No. 2 he will be informed. The applicant apprehends that he will be suddenly relieved from Bhopal with direction to move to Raipur.

3. Heard the learned counsel for the applicant.
4. The learned counsel for the applicant has contended that the applicant is physically handicapped and he did not give any willingness for posting in Chhatisgarh Postal Accounts Circle. In accordance with the policy formulated by the Government of India as communicated in the Government of MP GAD letter dt. 4/6.12.2001(Annexure-A-7) the physically handicapped male employees whose wife is not employed should be allocated the State in accordance with their option. He further contends that there is no reason for not adopting the policy in respect of the applicant who is physically handicapped and his wife is not employed. The applicant is a victim of Gas leakage tragedy of Bhopal and he is suffering from the gas problem and is under treatment at Bhopal Hospital. The learned counsel for the applicant has also contended that when Postal Accounts Office were opened at Guwahati and shillong only willing employees were posted there and nobody was transferred without his willingness.



There is no reasons for not adopting the same policy in the present case. The learned counsel for the applicant further contends that the respondents should have considered the representation of the applicant and should have adjusted him at Bhopal keeping in view his genuine problems with regard to his being physically handicapped and the policy decisions of the Government of India for posting of physically handicapped persons according to their option.

5. Keeping in view of the facts and circumstances of the case I deem it appropriate to dispose of this OA at the admission stage itself by directing the respondents to consider the representation of the applicant dated 15.9.2003 sympathetically (Annexure-A-3) by passing a detailed, reasoned and speaking order within a period of 2 months from the date of receipt of copy of this order. I do so accordingly.

6. With the above observation the OA is disposed of accordingly.

MM
(Madan Mohan)
Judicial Member

SKM

मुख्यमंत्री का दस्तावेज़ द्वारा दिया गया विवरण है।
(1) दस्तावेज़ का नाम
(2) दस्तावेज़ का वर्ष
(3) दस्तावेज़ का संख्या

SK Mognal

Deputed by
SK Mognal
14.10.2004

Enclosed
SKM
14.10.04