

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH, JABALPUR.

O.A. No. 835/2004

Date of order : 6th May 2005

C O R A M

Hon'ble Mr. M.P.Singh, Vice-Chairman

Hon'ble Ms. Sadhna Srivastava, Member(J)

1. Shri K.L.Saini, aged about 44 years, Sr.Accountant, S/o Lt.Shri R.C.Saini, R/o 22-GX, Rajharsha Colony, Kolar Road, Bhopal, M.P.
2. Vivek Munje
3. Mandanlal
4. Arun Kumar Hadke
5. D.K.Jain
6. R.K.Srivastava
7. R.S.Barda
8. Deepak Urait
9. Rameshwar Choudhary
10. Ramesh Kumar Soni
11. R.K.Bathel
12. Nirmal Sindh Sidar
13. Bikha Singh Patel
14. H.U.Khan.
15. B.S.Sharma
16. A.K.Joshi
17. P.K.Sen
18. M.A.Ansari
19. S.M.Ali
20. S.K.Sengar
21. M.K.Srivastava
22. G.P.Nema
23. R. A. Patankar

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24. R.Khalkho
25. D.Umarekar
26. M.L.Tiwari
27. Pradeep Tiwari
28. S.Tigga
29. Ravi Shankar Srivastava
30. D.R.Choudhary
31. P.C.Verma
32. D.S.Nonwar
33. P.K.Batham
34. P.K.Srivastava
35. Shatique Ahmed
36. B.S.Chouhan

..... Applicants

Vrs.

1. Union of India through Secretary, Department of Post, 'Dak Bhawan' P.A. Wing, New Delhi.
2. Director General, Department of Post, Postal A/c Wing, Dak Bhawan, New Delhi
3. Chief Postmaster General, M.P.Circle, Bhopal, M.P.
4. Director of Accounts (Postal), Post Office Tower, 5th Floor, New Market, Bhopal, M.P.

..... Respondents.

Counsel for the applicants : Shri D.Panjwani

Counsel for the respondents : Shri P.Shankaran


ORDER

By Sadhna Srivastava Member(J) :-

By means of the aforesaid O.A. the applicants have challenged the order dated 14.6.2004 , which has been issued by the Respondent No.1 after creation of new state

of Chhatisgarh. In fact, the new postal circle with its head quarter at Raipur consequent of its bifurcation of erstwhile State of Madhya Pradesh into State of Madhya Pradesh and Chhatisgarh State has taken place and the Respondent no.1 has framed the policy to adjust their employees in the offices which will fall within the domain of Chhatisgarh. Since it is a policy matter and the Respondent No.1 is fully empowered to frame the policy for proper functioning of its offices which is established through out the country. Normally the courts, in view of the law laid down by the Apex Court in the catena of decision will not interfere about the correctness of the policy unless there is a specific allegation about the arbitrariness and discrimination. Moreover, the employee have got no right to challenge the policy framed by the department. The Respondent No.1 is fully competent to create, abolish the department/offices and also to man their offices. The Respondent No.1 also competent to split its offices in view of the administrative exigencies into several offices or by abolishing several offices establishing one office. The power of distribution flows from power of creation and since the Respondent No.1 is having the power of creation and as such he can pass any order for establishing the office and man its offices.

2. It is a policy matter and the competent authority has taken a decision for formation of a new postal circle with its headquarter at Raipur, the petitioners have got no right to challenge the same. The personal inconvenience or problem will not be sufficient to condemn the policy framed by the Respondent No.1 in administrative exigency. The petitioners have also not taken specific ground regarding its arbitrariness. Moreover, no order has been passed in respect of petitioners regarding their allocation which could have been said that the applicants are aggrieved with the allocation in




4.


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pursuance of the impugned order dated 14.6.2004.

3. In the result, there is no merit in challenging the order dated 14.6.2004 and at present no cause of action arises for the applicants to come to this court as they cannot be aggrieved persons with the order dated 14.6.2004 at present. In case, any order is passed regarding their allocation, the applicants can challenge the same according to law. But it is made clear that the order dated 14.6.2004 does not suffer from any infirmity.

4. In view of the above, the O.A. is dismissed. No order as to cost.


(Sadhna Srivastava)
Member(Judicial)


(M.P.Singh)
Vice-Chairman

mps.

पृष्ठंकल सं ओ/न्या.....जबलपुर, दि.....

यतिरिति वापे रिक्तः--

(1) सविन, जबलपुर, 14.6.2004


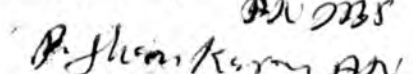
(2) सविन, जबलपुर, 14.6.2004

(3) सविन, जबलपुर, 14.6.2004

(4) सविन, जबलपुर, 14.6.2004

सूचना एवं आवेदन वापे रिक्तः

उपे रजिस्ट्रार


AN 235

AN 135

gused
13/5/05