

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH, JABALPUR.

O.A. No. 835/2004

Date of order : 6<sup>th</sup> 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 Uraiti
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.Anṣari
19. S.M.Ali
20. S.K.Sengar
21. M.K.Srivastava
22. G.P.Nema
23. R.A.Patankar

2. OA No 835/04.

- 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, 5<sup>th</sup> 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 Chhattisgarh. 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 Chhattisgarh 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 Chhattisgarh. 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 throughout 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 employees 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

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

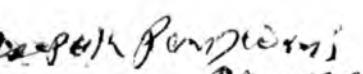
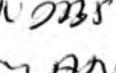
mps.

पृष्ठांकन सं ओ/व्या..... जदलपुर, दि.....  
परिविधि वाले दिन.....

- (1) सरिया, जदलपुर
- (2) अवैध, जदलपुर
- (3) अवैध, जदलपुर
- (4) अवैध, जदलपुर

सूचना एवं अनुसन्धान विभाग

उपर्युक्त अधिकारी  
उपर्युक्त अधिकारी

  
P. Shantaram  
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