

Central Administrative Tribunal
Jabalpur Bench

OA No.938/04

Quarior, this the 13th day of September, 2005.

C O R A M

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

Hon'ble Mr.Madan Mohan, Judicial Member

Smt Omana Prasannan
W/o late T.P.Prasannan
R/o Anjali Complex
Near Jain Mandir
Ind Stop, Tulsi Nagar
Bhopal.

Applicant

(By advocate Shri Gulab Kali Patel on behalf of
Shri Deepak Panjwani)

Versus

1. Union of India through
Secretary
Department of Post
Dak Bhawan
New Delhi.
2. Deputy Director General
Ministry of Communication and IT
Department of Posts (PA Wing)
Dak Bhawan,
New Delhi.
3. The Director
Postal Service
Post Master General's Office
Raipur (Chhattisgarh)
4. The Director of Accounts (Postal)
Bhopal (MP).

Respondents

(By advocate Shri P.Shankaran)

ORDER

By Madan Mohan, Judicial Member



By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order (Annexure A3).
- (ii) Direct the respondents not to allocate the applicant to the State of Chhattisgarh.

2. The brief facts of the case are that the applicant is working under the Director of Accounts (Postal). Her husband expired due to cardiac arrest on 8.10.2002. On formation of the new State of Chhattisgarh, persons serving in M.P. State were to be allocated to the State of Chhattisgarh. Accordingly, on 29.8.2003, respondent No.4 issued an order wherein the persons identified to be allocated to the State of Chhattisgarh were directed to join the office of Postal Accounts Chhattisgarh. The applicant refused to go to Chhattisgarh. She made a representation to respondent No.2 requesting him to exempt her as she is a widow and has no relatives or known persons at Chhattisgarh. On 14.6.2004, respondent No.1 issued an order whereby the widows appointed on compassionate ground were exempted from being allocated to the State of Chhattisgarh. On 30.8.2004, the applicant made another representation praying for sympathetic consideration of her case for being retained at Bhopal. Her request was not acceded to. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that other similarly situated persons have been exempted on ground of being widow appointed on compassionate ground. The condition of the applicant is in no way different from those widows appointed on compassionate grounds. But the request of the applicant has been left unheard. This is not proper. The applicant ought to be exempted like others. The applicant has not given the option of being allocated to the State of Chhattisgarh. Even then she is being sent forcibly without her consent despite the fact that she is a widow with two minor sons. The identification of the applicant for allocation to the state of Chhattisgarh is per se illegal.



4. In reply, learned counsel for the respondents argued that it is only a preliminary stage of identification of staff and not a permanent allocation or transfer order for their permanent transfer to Raipur. Applicant is one amongst them. The applicant has got no cause of action at this stage to agitate the matter. Our attention is drawn towards an order of the Tribunal passed in OA No.835/2004 in the case of Shri K.L.Saini & others Vs. UOI & others. The said OA was dismissed. The case of the applicant is squarely covered by the aforesaid order. Hence this OA deserves to be dismissed.

5. After hearing learned counsels for both parties and carefully perusing the records, we find that the applicant has filed this OA challenging the order dated 29.8.2003 (Annexure A3). Annexure A5 is dated 14.6.2004 granting exemption to certain categories of persons. The argument advanced on behalf of the respondents that it is only a preliminary stage of identification of staff and not a permanent allocation or transfer order for their permanent transfer to Raipur and therefore the applicant has got no cause of action at this stage to agitate the matter seems to be correct. We have also perused the order of the Tribunal passed in OA No.835/2004 in which similar matter was considered and dismissed.

6. Considering all facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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पूरांकन सं ओ/क्या.....जबलपुर, दि.....
परिचयित: अर्को दिन: --

(1) अधिव, उच्च न्यायालय एवं उच्च न्यायालय, जबलपुर

(2) आवेदन की/कीजती/के.....के काउंसल

(3) प्रत्यक्ष की/कीजती/के.....के काउंसल

(4) वंशपाल, द.प्र.01, जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव

Shri J. Panigami
Shri P. Shalcaan

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