

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUROriginal Application No.58 of 2003

Jabalpur, this the 31st day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

1. Wren Paul S/o Late Shri P.J. Paul, Sub Post Master, Aged about 43 years, R/o 271, Gorakpur, Jabalpur.
2. A.K. Gupta S/o Shri P.C. Kesarwani, aged about 42 years, Postal Assistant, R/o H.No. 262/D, Street No. 7, Sadar Bazar, Jabalpur.
3. Sunil Jain S/o Shri S.C. Jain, aged about 43 years, R/o 471, Hanumantal, Lal Koowa, Jabalpur.

-APPLICANTS

(By Advocate- Mr. S. Paul)

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Post, New Delhi.
2. The Member (P) Postal Services Department, Dak Bhawan, New Delhi.
3. The Director General, Postal Services Board, Dak Bhawan, New Delhi.
4. The Chief Post Master General, Chhattisgarh Circle, Raipur (C.G.)
5. Sr. Superintendent of Post Offices, Jabalpur Division, Jabalpur.

-RESPONDENTS

O R D E R (ORAL)

The applicant has filed this application claiming the following reliefs:-

- "(i) Summon the entire relevant record from the respondents including the order No. 3/3-1/320 Ryp dated 20.1.2003 issued by CPMG for its kind perusal.

Contd...P/2.

(ii) Consequently set aside the order dated 20.1.2003 Annexure A/1.

(iii) Command the respondents to continue the applicants at their present place of posting as if the impugned order dated 20.1.2003 (Annexure A/1) are never passed.

(iv) Any other order/orders, which this Hon'ble Tribunal deems, fit proper."

2. The three applicants are working as Sub-Post Master and Postal Assistants. As per order of Sr. Supdt. of Post Offices, Jabalpur Division, Jabalpur dated 9.1.2003 (Annexure A/2) they have been transferred. Against the order of transfer, none of the applicants has made any representation. On the other hand, they have been relieved and have joined their duties on 15.1.2003, 16.1.2003 and 21.1.2003 respectively. However, an order dated 20.1.2003 (Annexure A/1) has been issued by the Sr. Supdt. of Post Offices, Jabalpur Division, Jabalpur in respect of transfer order issued on 9.1.2003, wherein it has been stated that "due to administrative reasons transfer posting ordered vide above memo are ordered to be held in abeyance till further orders, do not relieve don't allow joining of any official AAA MMU." The learned counsel for the applicants states that the impugned order dated 20.1.2003 might be tried to be implemented against the applicants, even though the same has become infructuous vis-a-vis the applicants as they have been relieved and joined their new places of posting. If such a view is taken by the respondents that will be against the settled legal principles. Therefore, this application has been filed apprehending any problems against the applicants in view of the impugned order dated 20.1.2003.

3. After hearing the learned counsel for the applicants, and after perusal of the records, it is held that the

U. B. Singh

apprehension in the minds of the applicants is uncalled for in as much as the impugned order dated 20.1.2003 has not been communicated to any of the applicants so far and in any case they have already complied with the transfer order dated 9.1.2003 (Annexure A/2). The question of being relieved and keeping their transfer order in abeyance does not arise. Once a transfer order issued on 9.1.2003 has been executed and complied with by the applicants, no further action in respect of that transfer order so far as the applicants are concerned, remains to be done. In this view of the matter, this application is disposed of at the admission stage itself.

(Signature)

(R.K.Upadhyaya)
Member (Admnv.)

'MA'

...

पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अद्यो भितः—

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) ~~वार्डन/डी/डीसी/कु.~~.....के काउंसल
- (3) प्रसिद्धी डी/डीसी/कु.....के काउंसल
- (4) वर्यपाल, वर्यपाल, जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

(Signature)
उप निदेशक
4-2-03

Issued
on 4-2-03
BS