CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.916 of 2003

Jabalpur, this the 31st day of December, 2003

Hon'ble Mr. G. Shanthappa, Judicial Member

Pankaj Bhargava
S/o Shri RN Bhargava
Aged about years
R/o A/114, LIG, Rajiv
Nagar Bhopal. APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India
Through its Secretary
Ministry of Communication
Deptt. of Post,
New Delhi.

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

3. The Chief Post Master General,
M.P. Circle
Hoshangabad Road,
Bhopal.

4. The Chief Post Master General
Chhattisgarh circle Raipur.

5. The Cirector Accounts
(Postal)
GIP Complex, TT Nagar
Bhopal RESPONDENTS

(By Advocate - Shri P.Shankaran Standing counsel of UOI)

O R D E R (ORAL)

The above application is filed by the applicant seeking the relief to set aside the impugned transfer order dated 29.8.2003 Annexure-A-1 to the extent it transfers the applicant from MP Circle to Chhatisgarh circle and further relief for a direction to the respondents to continue the applicant at Bhopal as if the impugned transfer order dated 29.8.2003 Annexure-A-1 is never passed.

2. Heard the learned counsel for the applicant and respondents.

3. The admitted facts are that the applicant is physically handicapped person and he was initially appointed vide order dated 2.2.1983(Annexure-A-2) and his name is at seriol No. 44 in Annexure-A-2. The respondents had taken a decision to from new circle at Chhattisgarh, the services of the applicant has been assigned to newly formed Chhattisgarh circle i.e. Chhattisgarh Accounts (Postal office) at Raipur vide order dated 8.8.2003. The said decision has been taken by the second respondent.

4. The respondent No. 6 has issued an order dated 29.8.2003 (Annexure-A-3) stating that the list of the employees of Chhattisgarh circles of Accounts Deptt. was published, in the list/name of the applicant is at seriol No. 30. Subsequent to the said order the applicant has submitted representation dated 21.8.2003 and 2.9.2003 (Annexure-A-4), requesting that he is unable to go to Raipur due to his family problem and/own physical condition. The respondents had issued/order dated 21-11-2001 (Annexure-A-5) regarding additional guidelines for final allocation - Reorganization of States, the relevant para 2 is as follows :-

> "(ii) Handicapped government employees belonging to State services having an all state transfer liability of who are working against posts which are not exclusively relatable to an area falling in one of the successor State and are in receipt of special handicapped allowance should not be allocated against their option to either of the successor States".

Though the said guidelines are there, the respondents have allocated the services of the applicant to newly formed Chhatisgarh State. The applicant is aggrieved by the said order of transfer. The applicant has submitted that though the representations are pending with the respondents, the respondents are insisting to relieve from the office at Bhopal.

5. The applicant has submitted that in a similar circumstances, the person who is also physically handicapped Mrs. Vijya Kanetkar has approached this Tribunal in OA No. 720/2003 challenging the said order of transfer, she is one of the employees in the said list. This Tribunal has decided the said application and directed the respondents to consider the representation till the respondents take decision, the status-quo order shall be maintained by the respondents. Till take the decision of the representations the applicant has also requested the Tribunal for grant of similar order which was passed in OA No. 720/2003. The respondents have taken a decision as per order dated 24.11.03(Annexure-A-8) by deleting the name of Smt. Vijya Kanetkar from the impugned order of transfer.

6. It is just and necessary to direct the respondents to consider the representations submitted by the applicant vide Annexure-A-4 dated 2.9.2003 and Annexure-A-9 dated 4.12.2003. In view of the matter I find, it is expedient and feel ends of justice will be met if the matter is remanded to the respondents for examine in merits. Therefore, without express on merits in my own opinion dispose of Original Application on the following order in accordance with the order dt. 24.11.03 in OA No. 720/2003.

The respondents are directed to decide the representation dated 2.9.2003(Annexure-A-4) and representation dated 4.12.2003(Annexure-A-9) submitted by the applicant by passing a speaking order on examining the merits of the case within a period of one months from the date of receipt of a copy of this order. In the meantime status-quo as of date shall be maintained till his representations are decided as per ordered above. It is specifically mentioned that the respondents Nos. 2 and 5 are directed to consider the representations as directed above. The OA is disposed of. No order as to costs.

(G. Shanthappa)

पृष्ठांकन सं ओ/ज्या..... .....जबलपुर, दि.....

प्रतिलिपि

(1) रजि[illegible], जबलपुर

(2) [illegible].....के काउंसल S. Paul, Adv.

(3) प्रत्य[illegible].....के काउंसल P. Shankaran, Adv.

(4) [illegible]

सूचना एवं आवश्यक कार्यवाही हेतु

Issued
6/01/04