

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 781 of 2002

Jabalpur, this the 10<sup>th</sup> day of September, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Bhagwan Singh Thakur,  
S/o. Late Shri Shankar Singh,  
aged about 52 years, Time  
Bound Promottee Postal Assistant  
(T.B.P.P.A.), Sub Post Office,  
R.K. Puri, Gwalior (M.P.)  
R/o. 104B Gyati Bihar Colony,  
Thatipur, Murar, Gwalior (M.P.).

... Applicant

(By Advocate - Shri Rajendra Shrivastava)

V e r s u s

1. Union of India,  
Through its Secretary,  
Department of Postal,  
Dak Bhawan, New Delhi.
2. Chief Post Master General,  
M.P. Circle, Bhopal (M.P.).
3. Senior Superintendent of Post  
Offices, Gwalior Division,  
Gwalior (M.P.).

... Respondents

(By Advocate - Shri Om Namdeo)

O R D E R

This Original Application is against the transfer order dated 01.10.2002 (Annexure A-6), transferring the applicant post office from the post of P.A. R.K. Puri/to the post office of S.P.M., Motijheel, Moti Mahal, Gwalior.

2. The facts of the case as per the applicant are that he is a Time Bound Promottee Postal Assistant (in short T.B.P.P.A.). As the scale of his pay is equal to Sub-Postmaster, it was decided by the Department of Posts that such Postal Assistants may be posted as Sub-Postmaster. The applicant was asked vide SSPO, Gwalior letter dated 22.04.2002 (Annexure A-2) to give three choices, where he would like to be posted. The applicant has given the choices as Darpan Colony, High Court P.O. in Gwalior and R.K. Puri, for being posted as S.P.M. However he

*Am*

was transferred to R.K. Puri Post Office as Postal Assistant, whereas his junior was posted as SPM, Darpan Colony Post Office. Later within 4 months of his transfer to R.K. Puri PO, vide order dated 04.06.2002 (Annexure A-3) he was again transferred as SPM, Motijheel on 01.10.2002 (Annexure A-6). The relief sought by the applicant is that his transfer as SPM, Motijheel be quashed and he may be transferred as SPM according to his choice places or allow to continue at R.K. Puri Sub-Post Office to complete his normal tenure.

3. Shri Om Namdeo learned counsel for the respondents has stated that the applicant had given an application on 24.04.2001 (Annexure A-1) that he should be posted as SPM in greater Gwalior and accordingly he was posted to Motijheel. After his transfer to Motijheel PO he made a representation dated 05.10.2002 (Annexure A-7) that his transfer should be cancelled and he is not keen to go as SPM. The said representation was rejected by the respondents on 18.10.2002 (Annexure A-9).

4. I have heard the counsel on both the sides and have gone through pleadings carefully.

5. It is true that vide Annexure A-1 the applicant had given his willingness to serve anywhere in greater Gwalior as SPM and Motijheel is within the limits of greater Gwalior. The applicant had earlier come to the Tribunal in OA No. 696/2002 in which order was passed on 22.10.2002, directing the respondents to dispose of the representation given by the applicant on 05.10.2002. In compliance, however the said representation was considered and rejected by the competent authority on 18.10.2002 (Annexure A-9). As his transfer to Motijheel was according to his own willingness to serve anywhere in greater Gwalior vide Annexure A-1, it would be

difficult to fault the Department on this. The applicant has also mentioned in his representation at Annexure A-7 that he was transferred to R.K. Puri PO on his own choice and he is not interested to work as SPM. Taking this into consideration the Department may sympathetically consider his case for transferring to any of the three choices of post Offices mentioned by him as and when the vacancy of SPM falls vacant, in them.

6. Original Application is disposed of accordingly. No costs.



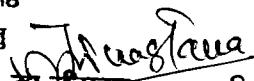
(Anand Kumar Bhatt)  
Administrative Member

"SA"

पूछांकन सं औ/न्या..... जबलपुर, दि.....  
परिमिति अवधि दिन:-

- (1) दर्ता करने वाले वर्गालय वाले एसोसिएशन, जबलपुर
- (2) दर्ता करने वाले वाले को काउन्सल
- (3) दर्ता करने वाले वाले को काउन्सल
- (4) एसोसिएशन, केप्रा, जबलपुर ज्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

R. Shrivastava, BDC  
Om Pandey, ADC

  
जे. नाग्लवा  
11.9.03

  
T. S. Patel  
11.9.03