

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 431 of 1999

Jabalpur, this the 17<sup>th</sup> day of November, 2003

Hon'ble Shri M.P. Singh - Vice Chairman

1. The Akhil Bhartiya Dak Karamchari Sangh, Dakiya Chaturth Varg Avam E D Divisional Shahdol, Through: Shri Ram Lal Singh, Divisional Secretary and Mail Attendant, Shahdol HQ.
2. The Bhartiya Dak Karamchari Sangh, Postman and Chaturth Varg Shahdol, Through : Shri Gangadhar Kurrey, Asst Divisional Secretary and Postman Shahdol HQ.
3. Shri Ram Lal Singh S/o Kolai Singh
4. Gadadhar Patel, S/o Ram Prasad Patel, Mail Attendant, Shahdol HQ.
5. Smt. Narjis Khatton W/o Late S T I Rizvee, Mail Attendant, Shahdol HQ.
6. Shri Narbada Prasad S/o Gajadhar Kahar, Mail Attendant, Shahdol HQ.
7. Shri Jai Karan Das, S/o Kitai Ahirwar, Postman, Shahdol HQ.
8. Shri SK Shrivastava, S/o Late Sangam Lal Shrivastava, Postman, Shahdol HQ.
9. Shri Rajmani Napit, S/o Shri Late R M Napit, Postman Shahdol HQ.
10. Shri Ganga Dhar Kurrey, S/o Late Heera Ram, Postman Shahdol HQ.
11. Shri Beerbal Kole, S/o late Madhav Kole, Postman, Shahdol HQ.
12. Shri C B Shrivastava, S/o late Harihar Prasad Shrivastava, Postman Shahdol HQ.
13. Shri Hari Das Singh, S/o Shri Kakhnu Singh, Postman Shahdol HQ
14. Shri Ram Kinker Patel, S/o Shri Sukh Lal Patel, Postman, Now Clerk (PA), HQ Shahdol.
15. Shri Phool Singh, S/o Shri Chooto Singh, Mail Attendant, Shahdol HQ.
16. Shri Bopal Das, S/o Shri Late Bhola Prasad Kewat, Mail Attendant, Shahdol HQ.
17. Shri Ram Kripal Kahar, S/o late Shri Dhanni Lal, Mail Attendant, Shahdol HQ

All applicants are resident of Shahdol Police Station, Shahdol Teh Sohagpur, Distt. Shahdol (MP) - APPLICANTS

(By Advocate - Shri Yogesh Mishra for Shri M.P. Singh)

Versus

1. Union of India through Chief Post Master General, Bhopal (MP).
2. Post Master Shahdol Police Station, Teh Sohagpur, Distt. Shahdol (MP).

3. Superintendent of Post Offices, Divisional  
Shahdol (MP)

- RESPONDENTS

(By Advocate - Shri B.da.Silva)

ORDER

The applicants 3 to 17 are the postal employees and are working as Postman for a long time. They have sought a direction to the respondents to make payment of the tribal allowance as admissible under the rules.

2. The undisputed facts of the case are that the applicants are working as Group-D employees and they have been stopped tribal allowance. As per the guidelines issued by the Government in 1989 the employees who are working in the tribal areas for a period of four years and their post is transferable, are eligible for the said benefit. The respondents have stopped the tribal allowance to the applicants on the ground that they are not transferable.

3. The contention of the applicant is that although they are Group-D employees, they are liable to be transferred to any place. In support of this, they have enclosed a copy of the order dated 3.1.1989 passed by the Cuttack Bench of this Tribunal in the case of All the Postal Employees etc.etc. Vs. Postmaster General, Orissa Circle & others (Annexure A-6).

4. On the other hand, the learned counsel for the respondents has stated that the contention of the applicant that their post is transferable is not correct and the copy of the order of transfer relied upon by the applicant Annexure-A-5 is not a transfer order but only a reallocation of duties. As regards the judgment of CAT Cuttack Bench, it is contended that the same is not applicable to the facts of this case as the circumstances of that case were different.

5. I have carefully considered the arguments advanced by both the learned counsel. It is an admitted fact that the applicants are working in a tribal area. They are also otherwise eligible subject to the condition if their services are transferable.

6. The applicants had earlier come before this Tribunal in OA No.506/1998, the same was disposed of with a direction to the respondents to decide the matter. In pursuance to the said order the respondent no.2 decided that the applicants are not entitled for tribal allowance as their jobs are not transferable. The respondents have not produced any rules showing that Group-D posts are not transferable.

7. In this view of the matter <sup>g L</sup> we hope the competent authority would take into consideration all these <sup>fact 2</sup> matters and pay the amount due to the applicants within three months from the date of communication of this order, if not already paid.

The OA stands disposed of. No costs.

  
(M.P. Singh)  
Vice Chairman

rkv.

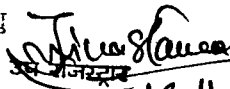
पृष्ठोक्त सं ओ/ल्या.....जबलपुर, दि.....

समिति/विधि अवधि दिनांक--

- (1) 2 दिनांक 19.11.03 को जलपुर, जबलपुर
- (2) कोर्ट के कार्यालय, जबलपुर
- (3) कोर्ट के कार्यालय, जबलपुर
- (4) कोर्ट के कार्यालय, जबलपुर

AP Singh, Adv.

B. Danilwar, Adv.

  
19.11.03

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