

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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18.2.2008


OA 113/2005

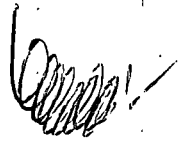
Mr.C.B.Sharma, counsel for applicant.

None present for respondents.

*B.N. Sandhu*

*VL* Heard learned counsel for the applicant.  
The OA stands disposed of by a separate order.

  
(J.P.SHUKLA)  
MEMBER (A)

  
(M.L.CHAUHAN)  
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 18<sup>th</sup> day of February, 2008

ORIGINAL APPLICATION NO.113/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Prakash Chand Tiwari,  
Gramin Dak Sevak Mail Carrier,  
Sewar Sub Post Office,  
Bharatpur Head Post Office,  
District Bharatpur.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through  
Secretary to the Govt.,  
Department of Posts,  
Ministry of Communication &  
Information Technology,  
Dak Bhawan, Sansad Marg,  
New Delhi.
2. Chief Post Master General,  
Rajasthan Circle,  
Jaipur.
3. Supdt. of Post Offices,  
Bharatpur Postal Division,  
Bharatpur.
4. Asstt.Supdt.of Post Offices,  
Bharatpur Sub Division,  
Bharatpur.

... Respondents

(By Advocate : Shri B.N.Sandu)

ORDER (ORAL)

 PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "i) That the entire record relating to the case be called for and after perusing the same respondents may be directed not to treat the applicant as fresh appointee and to treat regular appointee since 1985 by modifying memo dated 27.9.2004 (Ann.A/1). Further, respondents be directed to treat period of one day i.e. 26.9.2004 as spent for duty for all purposes with continuity of service.
- ii) That the respondents be further directed not to reduce the allowance of the applicant and applicant be allowed to draw his allowances as Rs.1890/- plus admissible D.A. with yearly increased as being drawn by him since last six years in the scale of Rs.1740-30-2640 with all consequential benefits including arrears with effect from 26.9.2004.
- iii) That the respondents be further directed to post the applicant in any post office at Bharatpur whenever any vacancy available in near future."

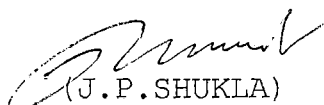
2. Briefly stated, facts of the case are that the applicant was appointed as Extra Departmental Mail Carrier and thereafter posted as Extra Departmental Stamp Vender, Bharatpur City Post Office, and while working as such he was declared surplus. Subsequently, the applicant was posted as Gramin Dak Sevak Mail Carrier, Sewar Sub Post Office. He joined there on 27.9.2004 as the post had fallen vacant at Sewar Sub Post Office. Learned counsel for the applicant submits that it was in these circumstances that the applicant had exercised option for his posting at Sewar Sub Post Office. As per policy of the Postal Division, it was incumbent upon the respondents to post him at Sewar Sub Post Office, where the post had fallen vacant, being a surplus candidate. Thus, according to the respondents, the fact that the applicant himself made request for his posting at Swear Sub Post Office will not deprive him for protection and fixation of the Time Related Continuity Allowances in terms of letter dated 11.10.2004 (Ann.R/6).

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2. Notice of this application was given to the respondents, who have filed their reply. The fact, as stated above by the applicant, is not disputed by the respondents in their reply. However, the technical objection taken by the respondents in the reply is that since the applicant was posted as GDSMC, Sewar Sub Post Office, at his own request, as such, he is not entitled to protection of his pay in terms of letter dated 11.10.2004 (Ann.R/6).

3. In view of the contentions raised by the learned counsel for the applicant and without going into the merit of the case, we are of the view that the present OA can be disposed of if a direction is given to the respondents to treat this OA as representation of the applicant and decide the claim of the applicant regarding protection of his allowances on account of redeployment in the light of instructions dated 11.10.2004 (Ann.R/6) by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order. Ordered accordingly.

4. In case the applicant still feels aggrieved, he will be at liberty to approach this Tribunal again. With these observations, the OA stands disposed of with no order as to costs.

  
(J.P. SHUKLA)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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