

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 435/2005.

Jaipur, this the 22nd day of March, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Bhim Raj Sharma
S/o Shri Satya Narain Sharma
Aged about 36 years,
R/o Village & Post Raisar (Jamwa-Ramgarh)
District Jaipur.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India,
Through the Secretary to the Govt. of India,
Department of Posts,
Ministry of Communication & Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Postmaster General,
Rajasthan Circle,
Jaipur-7.
3. Superintendent of Post Offices,
Jaipur (M) Postal Division,
Jaipur 302 016.

... Respondents.

By Advocate : Shri S. S. Hassan.

: O R D E R (ORAL) :

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

"(i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to continue the applicant as Gramin Dak Sevak Branch Post Master at Mehangi (Jamwa-Ramgarh) by quashing order dated 13/9/2005 quo-applicant (Annexure A/1) with all consequential benefits.

(ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

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(iii) That the costs of this application may be awarded."

2. Briefly stated, the facts of the case are that the applicant was initially asked to work against the post of Gramin Dak Sevak Branch Postmaster, Raisar (Jamwa Ramgarh) provisionally as the departmental enquiry was pending against the permanent incumbent against Shri Suraj Mal Tailor. On finalization of the said disciplinary proceedings Shri Suraj Mal was reinstated vide letter dated 6.02.1997 resulting in discontinuing the provisional appointment of the applicant. The applicant worked in that capacity w.e.f. 17.2.1994 to 6.2.1997. The applicant was thereafter approved and posted on the post of BPM, Ghinoi (Kaladera) on 26.03.2001. Subsequently he was transferred from Ghinoi to Dhoola vide letter dated 26.03.2001 and thereafter the applicant was transferred from Dhoola to work on the post of BPM Mehangi for a specific period. However, vide impugned order dated 13.9.2005 the temporary transfer of the applicant made vide order dated 21/22.03.2005 (Annexure A/2) was cancelled and the applicant was directed to join his original post i.e. on the post of BPM, Dhoola (Banskho). It is this order which is under challenge in this OA.

3. Notice of this application was given to the respondents. Respondents have filed reply. The facts as stated above, have not been disputed. The respondents in

the reply have stated that the applicant was transferred from Dhoola to work on the post of BPM Mehangi on his written request dated 27.01.2005 whereby he has given the assurance to the effect that he will increase the work load and income of Post Office and will also achieve the target within a specific period. According to the respondents, since the applicant failed to do so and the Mehangi Branch Post office is still in loss of Rs.29,691/- per year as per the review report of the year 2005, thus the temporary transfer of the applicant was cancelled and he was directed to join at his original post office i.e. Dhoola. The respondents in the reply have also placed on record copy of the application dated 27.01.2005 submitted by the applicant for his transfer from Dhoola to Mehangi as Annexure R/1 and also copy of the Review Report for the year 2005 as Annexure R/10, on record. The respondents have further stated that as per the provision contained in new GDS rule 2001, there is no provision for transfer of GDS from one place to another place and one post to another post except to adjust a Gramin Dak Sevak rendered surplus due to administrative reasons like departmental action of ED offices, rationalization of work in office etc. However, keeping in view the assurance given by the applicant that he will increase the work and income of the post office, the request of the applicant was accepted and vide letter dated 21/22.03.2005 (Annexure A/2) the applicant was

temporarily transferred on the post of GDS Branch post office, Mehangi.

4. The applicant was given opportunity to file rejoinder. Despite repeated opportunities rejoinder has not been filed.

5. I Have heard the Learned Counsel for the parties and gone through the material placed on record. Learned Counsel for the applicant argued that the applicant is entitled to hold the post of GDS Branch Post Office, Mehangi where he was posted against the vacant post and after considering his request and the cancellation order dated 13.09.2005 whereby the temporary transfer made vide order dated 22.03.2005 (Annexure A/2) was cancelled is not at all justified, neither in the interest of administration nor in the interest of applicant and thus requires to be quashed and set aside.

6. I have given due consideration to the submission made by the Learned Counsel for the applicant. I am not at all impressed by the submission made by the learned counsel for the applicant in view of the stand taken by the respondents in the reply which allegation has not been controverted by the applicant. The respondents in the reply have categorically stated that there is no provision for the transfer of GDS under the new GDS Rule 2001. Despite this specific provision, the applicant was

transferred temporarily from Dhoola to Mehangi vide order dated 21/22.03.2005 (Annexure A/2). The perusal of Annexure A/2 makes it clear that the applicant was transferred temporarily on his own request. Further the ~~respondents~~ has placed on record the application of the applicant dated 27.01.2005 whereby the applicant has given assurance that he will increase the work and income of the post office and will achieve the target essential to maintain establishment of the post office within 6 months and it was on this assurance given by the applicant, the applicant was temporarily transferred to Mehangi as the branch office Mehangi was running in heavy loss. However, the respondents have placed on the record the copy of the Review Report of Mehangi Post Office as Annexure R/10 for the year 2005 which clearly shows that the Mehangi Branch Post Office is in loss. Thus, I see no infirmity if the applicant, who was temporarily asked to work on the post of GDS, Mehangi, was directed to join at his original Post office Dhoola by canceling the order dated 21/22.03.2005.

7. For the foregoing reasons, the present OA which is bereft of merit is dismissed. The interim stay granted on 19.02.2005 and continued from time to time shall stand vacated.


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./