

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

JAIPUR, this the 7<sup>th</sup> day of November, 2006

ORIGINAL APPLICATION No.187/2006

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Lallu Prasad Sharma,  
s/o Shri Ganga Sahai Sharma,  
r/o Village and Post Lalwas (Jamua Ramgarh),  
District Jaipur and  
presently working as Gramin Dak Sevak,  
Branch Post Master, Dhula (Banskho),  
District Jaipur.

.. Applicant

(By Advocate: Mr. C.B.Sharma )

Versus

1. Union of India through  
the Secretary to the Govt. of India,  
Department of Posts,  
Ministry of Communication and Information  
Technology, Dak Bhawan,  
New Delhi.
2. Chief Post Master General,  
Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices,  
Jaipur (M) division,  
Jaipur.

.. Respondents

(By Advocate: Mr. Tej Prakash Sharma)

ORDER (ORAL)

The applicant has filed this Original Application against the order dated 13.9.2005 whereby respondent No.3 has cancelled the order dated 22.3.2005 by which the present applicant as well as Shri Bhimraj Sharma was temporarily transferred vice-versa from Bhanskho to Jamua Ramgarh.

2. When the matter was listed for admission on 24.5.2006, keeping in view the fact that the order dated 13.9.2005 has not been implemented so far and the applicant was stated to be still working as Gramin Dak Sevak Branch Post Master at Dhula (Banskho), this Tribunal directed the respondents to maintain status-quo qua the applicant as on that date till the next date of hearing. The said stay was continued. However, the said interim stay was vacated on 4.9.2006 when the reply was filed by the respondents that the applicant is being transferred in order to implement the directions given by this Tribunal in OA No.435/05. At this stage, it may be stated that OA No.435/05 was filed by Shri Bhimraj Sharma against the order dated 13.9.2005 which order is also under challenge in this OA and also against his transfer made vide order dated 21/22.3.2005 (Ann.A2). The validity of these two orders, which are also impugned in this OA, was examined by this Tribunal in the aforesaid OA and vide judgment dated 22<sup>nd</sup> March, 2006, this Tribunal

dismissed the OA thereby upholding the validity of both the orders dated 13.9.2005 (Ann.A1) and 21/22.3.2005 (Ann.A2) which is also the subject matter of this OA.

3. Review Application filed by Shri Bhimraj Sharma against the judgment dated 22<sup>nd</sup> March, 2006 was also dismissed vide order dated 27<sup>th</sup> April, 2006.


4. Thus, in view of the fact that validity of the impugned orders dated 13.9.2005 (Ann.A1) and 21/22.3.2005 (Ann.A2), which is subject matter of challenge in this OA, was upheld by this Tribunal in OA No. 435/2005, no relief can be granted to the applicant in this OA. Accordingly, the present OA is bereft of merit, which is accordingly dismissed with no order as to costs.

5. The learned counsel for the applicant has drawn my attention to Government of India, Department of Posts letter No.19-10/2004-GDS dated 17.7.2006 which is annexed with the rejoinder as Ann.A9 and submitted that the respondents have amended Rule 3 of Gramin Dak Sevak (Conduct and Employment) Rules, 2001 and in view of this subsequent development, the ground which prevail with this Tribunal to reject the claim of the applicant in OA No.435/05 ~~that Gramin Dak Sevak (Conduct and Employment) Rules, 2001 does~~

not provide transfer of Gramin Dak Sevak from one place to another does not hold good and in any case it is now permissible to transfer a Gramin Dak Sevak in terms of the aforesaid instructions in public interest on the grounds mentioned in the said letter.

6. I have given due consideration to the submissions made by the learned counsel for the applicant. In view of the submissions made by the learned counsel for the applicant, it is hereby clarified that in case the applicant is able to make out a case within the preview of the aforesaid letter dated 17.7.2006 issued by the Department of Posts which stipulates limited transfer facility to Gramin Dak Sevak on the grounds mentioned therein, the judgment rendered by this Tribunal in OA No.435/2005 shall not come in the way of the applicant to entertain his posting at Banskho. For that purpose, it will be permissible to the applicant to make representation to the appropriate authority who shall consider the claim of the applicant on merits pursuant to the aforesaid letter dated 17.7.2006.

7. With these observations, the OA is disposed of with no order as to costs.

  
(M.L. CHAUHAN)  
Judicial Member