

(13)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

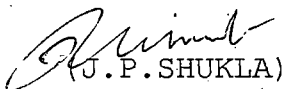
ORDERS OF THE TRIBUNAL


12.11.2007

OA 232/2006

Mr. P.N. Jatti, counsel for applicant.
None present for respondents.

At the request of learned counsel for the applicant, let the same be listed on 30.11.2007.


(J. P. SHUKLA)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)

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30.11.2007

OA No. 232/2006

Mr. P.N. Jatti, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties. For the reasons dictated separately, the OA is disposed of. *along with OA 241/06.*


(J. P. SHUKLA)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 30th day of November, 2007

CORAM :

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

1. ORIGINAL APPLICATION NO.232/2006

D.K.Datray,
EDMC,
Post Office Sanora,
B.O. via Barauli,
District Dholpur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Secretary to the Govt.,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Sr.Supdt. of Post Offices,
Dholpur Division,
Dholpur.

... Respondents

(By Advocate : Shri Gaurav Jain)

2. ORIGINAL APPLICATION NO.241/2006

D.K.Datray,
EDMC,
Post Office Sanora,
B.O. via Barauli,
District Dholpur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Secretary to the Govt.,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Sr.Suptd. of Post Offices,
Dholpur Division,
Dholpur.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)PER HON'BLE MR.M.L.CHAUHAN

Both the OAs filed by the applicant D.K.Datray are being disposed of by this common order.

2. The applicant has filed OA (No.232/2006) thereby praying that a direction may be given to the respondents to post him at Salemabad Post Office and in the subsequent OA (No.241/2006) he has challenged the order dated 30.6.2006 (Ann.A/1), whereby he has been transferred from Sanora to Kenthari within a short period of four months.

3. In sum and substance case of the applicant is that he was initially engaged as Extra Departmental Telegram Messenger, subsequently designated as GDS TM at Bar MDG Post Office. On account of death of one Shri Shiv Dutt Sharma, applicant was adjusted against the vacant post of GDS MC Kanchanpur. This post was

subsequently filled up by giving appointment to the widow on compassionate ground. Consequent upon filling up of this post, the applicant was repatriated. It is also clear from the material placed on record that on review of cadre strength the post which was being occupied by the applicant was abolished and the applicant was declared surplus. He was also given alternative option in terms of the policy of the department but according to the respondents the applicant declined to accept such post. Feeling aggrieved, the applicant moved OA 232/2006 thereby praying that a direction may be given to the respondents to adjust the applicant at Salemabad Post Office. Further, from the material placed on record, it is evident that subsequently the applicant was engaged on the post of GDS MC at Sanora vide order dated 21.2.2006 (Ann.A/2 in OA 241/2006). However, after a lapse of four months, vide order dated 6.7.2006 (Ann.A/1 in OA 241/2006) the applicant was transferred from Sanora to Kenthari. This order was challenged by the applicant in OA 241/2006. On this OA, this Tribunal issued notices to the respondents on 10.7.2006 and directed the respondents to maintain status-quo. The respondents have stated in the reply that in fact there was no post at Sanora against which the applicant could have been adjusted and he was wrongly allowed to continue at Sanora by the authority concerned. The specific stand taken by the respondents is that since the post of GDS MC has been abolished vide order dated 13.4.2005, the applicant could not have been retained on that post at Sanora and his name was to be kept in the waiting list for one year from the date of declaration of the applicant as surplus and thereafter his name was to be removed from the waiting list due to non-acceptance of the officer of redeployment by the applicant. According to the respondents, the applicant is not joining on the alternative post despite option having been extended to him and as he was wrongly allowed to continue at Sanora, he has got no right whatsoever.

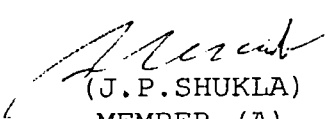
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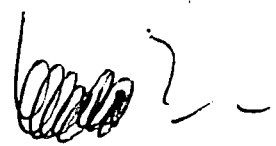
4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. Learned counsel for the applicant has also moved an MA, which has not been registered so far. The Registry is directed to register the same. In that MA the applicant has stated that during the pendency of these applications, one post has got vacant at Bari Post Office and the another at Gojpura, near Bari Head Post Office. It is further stated that he has also made representation to the Superintendent of Post Office, Dholpur Division, to consider his request for posting him against any of these posts. Copy of the said representation dated 10.10.2007 has been annexed with the MA. Learned counsel for the applicant submits that he will be satisfied at this stage if a direction is given to the respondents to consider his representation sympathetically.

6. We have given due consideration to the submission made by the learned counsel for the applicant and we are of the view that it will be in the interest of justice if a direction is given to the respondents to consider the request of the applicant, as made by his representation dated 10.10.2007, sympathetically and pass an appropriate reasoned and speaking order as early as possible and till the said representation is not decided, the respondents are directed to maintain status-quo as already directed vide order dated 10.7.2006 in OA 241/2006.

7. In view of what has been stated above, both the OAs stand disposed of and in view of the order passed in the OAs, no order is required to be passed in MA 142/2007 in OA 241/2006 for vacation of stay order. The same shall also stand disposed of accordingly alongwith the MA filed by the applicant.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)