

(14)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

13.05.2008

OA No. 400/2006

Mr. C.B.Sharma, counsel for the applicant
None present for the respondents.

At the request of the learned counsel for the applicant, let the matter be listed on 1.7.2008.

IR to continue till the next date.


(M.L.CHAUHAN)
Judl.Member

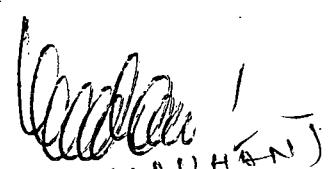
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01-07-2008

Mr. C.B.Sharma - Counsel for applicant
Mr. T.P. Sharma - Counsel for respondents

Heard the learned counsel for
the parties.

For the reasons dictated separately
the OA stands disposed of.


(M.L.CHAUHAN)
Judl.Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 1st day of July, 2008

ORIGINAL APPLICATION No.400/2006

CORAM:

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

Gaya Lal Sharma
s/o Shri Killo Ram Sharma,
aged about 51 years
r/o Village & Post Kanchanpur
(Masalpur), District Karauli and
Presently working as Gramin Dak Sevak
Delivery Agent, Branch Post Office,
Kanchanpur Via Masalpur Sub Post Office,
District Karauli.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Superintendent of Post Office, Sawaimadhopur Postal Division, Sawaimadhopur.
4. Inspector of Post Offices, Postal Sub Division, Karauli.
5. Shri Ramji Lal Sharma, Gramin Dak Sevak Mail Carrier, Kanchanpur Branch Post Office Via Masalpur, District Karauli.

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

O R D E R (ORAL)

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

- i) That respondents be directed to retain the applicant at Kanchanpur by quashing letter dated 30/9/2006 (Annexure-A1) with all consequential benefits.
- ii) That the respondents be further directed not to change designation of the applicant from Gramin Dak Sevak Delivery Agent to Gramin Dak Sevak Mail Carrier by quashing letter dated 30/9/2006 (Annexure-A/1) with all consequential benefits.
- iii) 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.
- iv) That the costs of this application may be awarded."

2. Briefly stated, facts of the case, so far it is relevant for disposal of this case are that the EDBO, Kanchanpur in account with Masalpur SO was sanctioned and in order to make the said branch functional, one post of EDBPM was created on 29.5.1976. From the material placed on record, it is also evident that

subsequently one post of EDDA with allowance of Rs. 110/- was sanctioned and created on 11.12.1978 F/N and one Shri Ramji Lal Sharma (respondent No.5) was engaged against this post. Another post of EDDA at Kanchanpur EDBO with allowance of Rs. 115/- was sanctioned and the same was created on 13.12.1979 F/N and the applicant was appointed as EDDA. The applicant has also placed on record copy of the order whereby his provisional appointment as EDDA, Kanchanpur was converted into regular appointment vide order dated 14.4.1980 (Ann.A2). Subsequently, on review of the work load and financial position of the Kanchanpur EDBO, the respondents decided that one post of GDSMC be declared surplus and accordingly the said post was declared surplus vide order dated 1.12.2005 and the surplus post of GDSMC, Kanchanpur EDBO was redeployed ~~at~~ Narayana EDBO in account with Masalpur SO vide CO memo dated 12.7.2006 and respondent No.5 was ordered to work at Narayana EDBO vide order dated 1.9.2006. The respondent No.5 submitted representation to the Chief Postmaster General against the said order of his redeployment and subsequently, applicant was posted instead of respondent No.5 vide order dated 30.9.2006 (Ann.A1). It is this order, which is under challenge before this Tribunal.

3. Notice of this application was given to the respondents. The respondents have filed reply. The

facts as stated above have not been disputed by the respondents. In the reply filed by the respondents, it has been stated that no doubt, respondent No.5 was initially ordered to work at Narayana EDBO on account of declaring one post of GDSMC, Kanchanpur as surplus but he made a representation to the Chief Post Master General against the order of his redeployment. His representation was considered favourably and the applicant was rendered surplus and redeployed to Narayana EDBO as there was no post for the applicant at Kanchanpur GDSBO. In the reply, the official respondents have stated that respondent No.5 was engaged as EDA against the post created on 11.12.1978 whereas the applicant was engaged as EDA against the post which was created subsequently on 13.12.1979 and the post of the applicant which was created with allowance of Rs. 115/- on 8.11.1979 was treated as EDMC vide CPMG, Jaipur letter No. Plg.-II-10735/Supple dated 24.9.1980. Thus, according to the respondents, it is the applicant who was required to the redeployed on account of declaring the aforesaid post as surplus.

4. The applicant has filed rejoinder. Alongwith rejoinder, the applicant has annexed Acquittance Roll No.98 for the month of May, 2007 whereby pay and allowance of the applicant has been drawn against the post of GDS DA-II whereas designation of respondent No.5 has been shown as GDS MC-II.

5. I have heard the learned counsel for the parties and gone through the material placed on record.

6. From the material placed on record, it is evident that for making the EDBO, Kanchanpur functional, 3 posts were created i.e. one post of EDBPM and two posts of EDDA. It is also admitted fact that against two posts of EDDA, applicant and respondent No.5 were initially given appointment. Further, from the facts as stated above, it is also clear that initially there were two posts of EDDA sanctioned for the said Branch Office and vide order dated 24.9.1980 one post of EDDA was treated as EDMC. Thus, after 24.9.1980 the sanctioned strength of Kanchanpur Branch Office was that of EDBPM, EDDA and EDMC. According to the applicant, he is working against the post of EDDA from the very beginning. Further, from the material placed on record, it is also evident that the applicant was initially appointed as EDDA, Kanchanpur on provisional basis and regular appointment on the said post was given vide order dated 14.4.1980 (Ann.A2). Further, from perusal of Acquittance Roll for the month of May, 2007, it is also clear that designation of the applicant has been shown as GDS DA-II whereas designation of respondent No.5 has been shown as GDS MC-II. Thus, from perusal of these documents and the fact that it was respondent No.5 who was declared surplus and redeployed at Narayana EDBO, the

contention raised by the learned counsel for the applicant that the applicant is working against the post of EDDA and respondent No.5 against the post of EDMC cannot be out rightly rejected, more particularly, in view of the letter dated 24.8.2000 of Superintendent of Post Offices, Sawaimadhpur (Ann.A4) whereby it has been mentioned that the applicant is working as EDDA for the last 20 years and in the endorsement, designation of respondent No.5 has been shown as EDMC.

7. Thus, in view of the facts and circumstances of the case as mentioned above, I am of the view that it will be in the interest of justice, if the matter is remitted to the appropriate authority to look into the matter again and decide the issue as to whether it is the applicant or respondent No.5 who has to be redeployed at Narayana on account of abolition of one post of GDSMC at Kanchanpur. Accordingly, respondent No.2 is directed to treat this OA as representation on behalf of the applicant and decide the issue again. Till the matter is not decided by respondent No.2, the stay granted on 10.10.2006 and continued from time to time shall remain operative and in case the decision on the issue is against the applicant, the stay shall be operative for a further period of two weeks from the date of decision to be taken so that the applicant

can approach again for redressal of his grievances, if any.

8. With these observations, the OA stands disposed of with no order as to costs.



(M.L.CHAUHAN)

Judl.Member

R/