

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>31.07.2008.</u></p> <p><u>OA No. 285/2008 with MA 247/2008</u></p> <p>Mr. C.B. Sharma, Counsel for applicants.</p> <p><u>MA 247/2008</u></p> <p>The applicants have filed this MA for filing joint OA.</p> <p>In view of the averments made in this MA, the same is allowed. The applicants are permitted to file joint OA.</p> <p>The MA is disposed of accordingly.</p> <p><u>OA 285/2008</u></p> <p>Heard the learned counsel for applicants.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <p> (B.L. KHATRI) MEMBER (A)</p> <p> (M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 31st day of July, 2008

ORIGINATION APPLICATION NO. 285/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. All India Postal Extra Departmental Karamchari Union Branch Jaipur City, Postal Division through its Divisional Secretary, Prahald Sharma, Extra Departmental Mail Carrier, Jawahar Nagar Post Office now working as Mail Motor Driver.
2. Shri Prahald Sharma son of Shri Damodar Sharma aged about 36 years, resident of 112 D Block Malviya Nagar, Jaipur and holding the post of Extra Departmental Mail Carrier, Jawahar Nagar Post Office, Jaipur and presently working as Mail Motor Driver, Mail Motor Services, Jaipur City Postal Division.

....APPLICANTS

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

VERSUS

1. Union of India through its Secretary to the Govt. of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Jaipur City Postal Division, Jaipur.
4. Superintendent of Post Offices, Jaipur (M) Postal Division, Shastri Nagar, Jaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

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 decision of respondent no. 2 for transferring six branch post offices from Jaipur (M) Division to City Division be quashed and set aside with the memos dated 11.06.2008 (Annexure A/1) and 29.07.2008 (Annexure A/3) with all consequential benefits.
- (ii) That the respondents be further directed not to allow seniority to transferred staff over and above the Gramin Dak Sevak working in Jaipur City Division and transferred staff be allowed bottom seniority in the seniority list meant for Gramin Dak Sevaks.
- (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. Heard learned counsel for the applicant. The grievances of the applicant in this case is regarding transfer of six Extra Departmental Branch Post Offices under the administrative control of respondent no. 4 to respondent no. 3 vide impugned order dated 11.06.2008 (Annexure A/1) followed by another order dated 29.07.2008 (Annexure A/3) issued by Respondent no. 4 pursuant to Annexure A/1. From the perusal of these orders, it is clear that the said decision has been taken in the interest of public for better and faster delivery of letters and articles as well as faster redressal of public complaints in the adjoining area of Jaipur City.

Yell

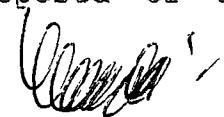
3. Learned counsel for the applicants submits that on account of transferring of the said Branch Post Offices from administrative control of respondent no. 4 to respondent no. 3, the chances of the applicants for promotion shall be effected in as much as some persons who will be transferred from these six Branch Post Offices will be senior to the employees working under the respondent no. 3. Learned counsel for the applicant further submits that in case the staff to be transferred vide these impugned order(s) is granted bottom seniority, in that eventuality the applicants have no objection for transferring the said six Branch Post offices along with staff.

4. We have given due consideration to the submission made by the learned counsel for the applicants. Admittedly, the decision to transfer the six Branch Post Offices has been taken by the Competent Authority and it is not legally permissible for us to interfere in these impugned orders in exercising the power of judicial review. The grievance of the applicants regarding seniority and that their right of promotion shall be effected vis-à-vis staff to be transferred under the control of ~~the~~ Respondent no. 4 by virtue of impugned order(s) can be taken into account at appropriate stage when seniority is determined by the department. According to us, such a grievance cannot be entertained at this stage.

5. With these observations, the OA is disposed of at admission stage.


(B.L. KHATRI)

MEMBER (A)


(M.L. CHAUHAN)

(MEMBER (J))

AHD