

18.05.2009

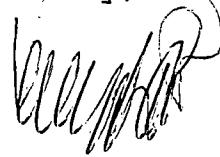
OA No. 51/2008

Mr. V.K. Mathur, 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.

Mr
(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 18th May, 2009

ORIGINAL APPLICATION NO. 51/2009

CORAM:

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

Abdul Hanif son of Shri Abdul Mazid, aged about 52 years, resident of Village Unhel (Sunel), Tehsil Itawa, District Jhalawar (Rajasthan). Post of Dal Vitrak, Office of Branch Post Office Unhel (Sunel).

....APPLICANT

(By Advocate: Mr. V.K. Mathur)

VERSUS

1. Union of India through Post Master General, Postal Department, Jaipur.
2. The Senior Postal Superintendent, Postal Department, Kota Division, Kota.
3. The Post Office Inspector, Bhawani Mandi, Sub Division Bhawani Mandi.
4. The Branch Post Master Postal Department, Sub Branch Post Office, Unhel (Sunel), District Jhalawar, Rajasthan.

.....RESPONDENTS

(By Advocate : Mr. Gaurav Jain)

ORDER (ORAL)

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

- "a) By an appropriate order and direction the impugned orders Annexure A/1 and A/2 may kindly be quashed and set aside and consequent thereto the respondents may be directed to permit the petitioner to continue his duties as GDSMD of Sub Branch Post Office Unhel.
- b) By an alternative order and direction, the alternatively the respondents may be directed to absorb and adjust the petitioner on the vacant post of RPM at Unhel (Sunel).
- c) Any other order, relief or direction which this Hon'ble Tribunal may deem fit and proper be also passed in favour of the applicant.

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- d) Cost of the Original Application may kindly be awarded to the applicant."
2. Briefly stated, facts of the case are that the applicant while working as GDSMD Unhel (Sunel) was given alternative appointment on the post GDSBPM Mishroli (Pachpahar) as the said post of GDSMD was declared surplus vide order dated 17.01.2008 (Annexure A/2). The grievance of the applicant in this case is that he should have been adjusted against another post in nearby region and giving him the alternative post on the post of GDSBPM Mishroli is not justified. It is on the basis of these facts, the applicant has filed this OA thereby praying for the aforesaid relief.
3. The respondents have filed their reply. In Para nos. 8, the respondents have explained the circumstances under which the post of GDS MD Unhel (Sunel) was declared surplus and the applicant was appointed on the alternative post of GDSBPM Mishroli (Pachpahar). In Para No. 9, the respondents have categorically stated that the applicant has taken over the charge of GDSBPM Mishroli (Pachpahar) on 13.05.2008 F/N. Reply was filed on 29.09.2008 and opportunity was given to the applicant to file rejoinder, which has not been filed.
4. In view of what has been stated above, we are of the view that the present OA has become infructuous. Learned counsel for the applicant submits that subsequently, another post has fallen vacant in nearby region as such, direction may be given to the respondents to adjust the applicant in nearby region.
5. We have given due consideration to the submission made by the learned counsel for the applicant. We are of the view that in case some post has subsequently become available in nearby region, in that eventuality, the applicant may make representation to the authorities, who will consider the same in accordance with law. It is clarified that disposal of this OA will not come in the way of the applicant to make fresh representation and it will also be permissible for the respondents to pass appropriate order on such representation.



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

B.L. Khatri
(B.L. KHATTRI)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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