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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

OA No. 257/2010

Date of Order: 08.08.2011

Mr. Mr. C.B. Sharma, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

At the request of learned counsel for the applicant, put up
the matter on 07.09.2011 for hearing.

Anil Kumar
(Anil Kumar)
Member (A)

K.S. Rathore
(Justice K.S. Rathore)
Member (J)

kumawat

3000/-

7.9.11

8 Mr. C.B. Sharma, Counsel for applicant
Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)
M (A)

K.S. Rathore
(Justice K.S. Rathore)
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 7th day of September, 2011

Original Application No.257/2010

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Vijendra Kumar
s/o Shri Babu Lal,
r/o village and Post Kemri,
Tehsil Nadoti, presently
working as Gramin Dak Sevak Mail Carrier,
Sub Post Office (Gangapur Head Post Office).

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through
It 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,
Sawai Madhopur Postal Division,
Sawai Madhopur.
4. Inspector of Post Offices,
Hindaun Sub Division,
Hindaun City, District Karauli.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The applicant is working as Gramin Dak Sevak Mail Carrier (GDS MC) w.e.f. 24.3.2006. The present OA is preferred by the applicant on the ground that action of respondent No.4 notifying the post of applicant i.e. GDS Mail Carrier instead of GDS Deliver Agent is arbitrary, illegal and unjustified and further submits that the applicant was originally appointed as GDS Mail Carrier at Kemri Sub Post Office in the year 2006 and his post cannot be treated as vacant. In fact, the post of Delivery Agent is lying vacant since 2002. The applicant is Mail Carrier and performing the duties by exchanging mail from other post offices with the office work and at present also performing duties of vacant post i.e. Delivery Agent and respondents without any base going to shift the applicant from his original post, which is against the facts and circumstances and such action of the respondents vide Ann.A/1 and A/11 is liable to be quashed and set aside.

2. Further claimed that the respondents may be directed not to disturb the applicant from the present post of GDS MC, Kemri Sub Post Office and allow to continue on the said post



by quashing letters dated 26.2.2010 and 5.5.2010 (Ann.A/1 and A/11).

2. The learned counsel appearing for the respondents in their reply has categorically stated that the applicant is holding the post of GDS MC/MD. There was no intention to deprive the applicant from his present post for which he is appointed. Besides this, the post of GDS MC/MD has not been shown as vacant any where in the Ann.A/1 and A/2 filed along with the OA. Thus, the applicant has no cause of action to file the present OA.

3. Further, the respondents have placed notification issued by the respondents on 29.6.2010 superseding Ann.A/11. In view of this fact also, the present OA becomes infructuous, as no cause of action is available to the applicant.

4. Since the respondents in their reply stated that they have no intention to deprive the applicant from his present posting and that the Ann.A/11 has been superseded by subsequent notification dated 29.6.2010, thus in view of the aforesaid observation, we find no merit in this OA and the same deserves to be dismissed as having become infructuous, which is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member
R/

J.S.Rathore
(JUSTICE K.S.RATHORE)
Judl. Member