

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 15<sup>th</sup> day of September, 2010

O.A. No. 421/2010

CORAM:

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

M.L.Nagar  
s/o late Shri Tulsi Ram Nagar,  
r/o Residential Quarter in  
Jawahar Nagar Post Office,  
presently working as  
Post Master HSG-I,  
Jawahar Nagar Post Office,  
Jaipur.

.. Applicant  
(Applicant present in person)

Versus

1. Union of India through  
the Secretary to the Government of India,  
Department of Post,  
Dak Bhawan, Sansad Marg,  
New Delhi.
2. Chief Post Master General,  
Rajasthan Circle, Jaipur
3. Senior Superintendent Post Offices,  
Jaipur City Dn., Jaipur
4. Post Master HSG-I,  
Jawahar Nagar Post Office,  
Jaipur

.. Respondents

(By Advocate: ....)

ORDER (ORAL)

In this OA, the applicant has challenged the order dated  
13.9.2010 (Ann.A/1) whereby he has been transferred from Jawahar

u

Nagar, HO, Jaipur to P.M. Deeg HO in the interest of service. The grievance of the applicant is that his two children are studying at Jaipur and in terms of provisions contained in Rule 37-A of P&T Rules, Vol.IV, transfer has to be generally made in April of each year so that education of school going children is not dislocated. The applicant has also annexed copy of the receipt of fee in respect of his two children namely, Rajshree Nagar and Piyush Nagar as Ann.A/4 and A/5.

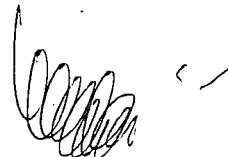
2. The applicant has also made representation to the Chief Post Master General, Rajasthan Circle, Jaipur dated 10<sup>th</sup> September, 2010 (Ann.A/2) which was received on 13.9.2010 whereby the applicant has requested that he may not be disturbed till the completion of academic session of his children and if essential, he may be adjusted locally.

3. I have heard the applicant, who is present in person. From the impugned order dated 13.9.2010 it is evident that as many as 17 persons were granted ad-hoc promotion to HSG-I (NB) cadre in the Pay Band of Rs. 9300-34800 with Grade Pay of Rs. 4600/- for eleven months w.e.f. the date of assumption of charge or until further orders whichever is earlier. Out of 17 persons, 6 persons who have been granted promotion were working in Jaipur City Division and on promotion they have been adjusted in Jaipur. Perusal of the impugned order further reveals that 6 persons have been transferred, out of which 4 have been transferred on their own request whereas the applicant and one Shri P.D.Yogi have been shifted outside Jaipur in the interest of service.

4. In normal course, the persons who have been promoted should have been transferred outside Jaipur city in the interest of service whereas the applicant who has admittedly not completed tenure has been shifted out of Jaipur in mid-academic session contrary to Rule 37-A of the P&T Rules, Vol.IV and as many as 6 persons whose names find mention at Sl.No. 2, 6,7,10, 13 and 15 of the impugned order have been accommodated in Jaipur city on promotion.

5. Be that as it may, at this stage I do not wish to record any finding on this aspect as the applicant has already made a representation to the Chief Post Master General, Rajasthan Circle, Jaipur i.e. Respondent No.2 thereby highlighting his grievances, who will look into the matter objectively keeping in view the observations made hereinabove. Accordingly, respondent No.2 is directed to decide representation of the applicant dated 10<sup>th</sup> September, 2010 (Ann.A/2) by passing a reasoned and speaking order. Till such representation is not decided by respondent No.2, operation of the impugned order dated 13.9.2010 (Ann.A/1) so far it relates to the applicant shall remained stayed.

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



(M.L.CHAUHAN)  
Judl. Member

R/