

**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA No.465/2010

This the 11th day of January, 2011

Hon'ble Shri M.L. Chauhan, Member (Judicial)

Jale Singh Rollan Son of Shri Ram Kishore Rollan, aged about 40 years resident of village and Post Gorir, Tehsil Kkhetri, District Jhunjhunu and Holding the Post of Gramin Dak Sevak Delivery Agent/ Mali Carrier, Gorir Branch Post Office (Tiba Basai), Tehsil Khetri, District Jhunjhunu

...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 New Delhi- 110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302007.
3. Post Master General, Western Region, Jodhpur (Rajasthan).
4. Superintendent of Post Offices, Jhunhunu Postal Division, Jhunjhunu.
5. Inspector of Post Office, Khetri Nagar District. Jhunjhunu.

.....Respondents

(By Advocate: Shri Gaurav Jain)

ORDER (ORAL)

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

- i) That the respondents may be directed to allow the applicant to work on present post of GDS DA/MC, Gorir branch Post Office and to allow to continue on the post by quashing letter dated 21.7.2010 (Annexure A/1) with the letter dated 17.2.2009 (Annexure A/4) with all consequential benefits.
- ii) That respondents be further directed to allow deputation allowance and pay & allowances as per duty for eight hours per day and not to harass the applicant by way of shifting from one place to another.

- 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.

2. When the matter was listed on 21.10.2010, this Tribunal had passed the following order :-

Heard learned counsel for the applicant.

Issue notices to the respondents' returnable within a period of three weeks. In the meanwhile, the respondents may file their reply. **Dastl service permitted.**

The grievance of the applicant is that he has been appointed as GDS DA/MC Gorir Branch Post Office, District Jhunjhunu and it was not permissible for the respondents to temporarily post him in the same capacity at Singhana Sub Post Office. According to me the applicant has made out a case in terms of the instructions issued by the Department. The respondents shall file specific reply why some alternative arrangements could not have been resorted to carry out work of Singhana Sub Post office. The affidavit shall also indicate whether any steps have been taken to fill up the said post in accordance with rules.

Let the matter be listed on 23.11.2010.


3. Pursuant to the direction given by this Tribunal, the respondents have filed reply as well as additional reply thereby intimating the steps which they have taken in order to fill up the post on regular basis during the pendency of this OA.

4. Learned counsel for respondents has brought to notice of the Bench the order dated 3.1.2011, whereby the memorandum dated 11.2.2009 has been superceded and the applicant has been brought back in to his original position. It may be stated that the impugned order dated 21.7.2010 appears to have been passed pursuant to the memorandum dated 11.2.2009. In view of this subsequent development the present OA does not survive. Learned counsel for applicant submits that the applicant may be given either deputation allowance or TA/DA for the period he performed the duty at Singhana Sub Post Office.

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5. Suffice it to say that for that purpose the applicant may make representation before the appropriate authority and the appropriate authority will consider the same in accordance with the rules.

6. With these observations, the OA shall stand dispose of accordingly.


(M.L. Chauhan)
Member (Judicial)

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