

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00095/2017

DATED THIS THE 20TH DAY OF MARCH, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Premkumar,
Aged about 41 years,
S/o Late Puttanayaka,
Working as Warrant Officer
(On Deputation from Postal Dept.)
At 2 Air & MN Postal Unit,
Pin: 902 302.
C/o. 56 APO.
Residing at: Deburu,
Nanjangud-571301. ...Applicant

(By Advocate Shri P. Kamalesan)

V/s

1. Union of India,
Rep. by its Director General,
Department of Posts,
Dak Bhavan,
New Delhi-110 001.

2. Chief Record Officer,
APS Records, APS Centre,
Kamptee-410 01.

3. Additional Director General
of APS, R.T. Ram Marg,
New Delhi-110 001,
C/o 56 APO.

4. The Officer in Charge,
P&T Administrative Cell,
APS Centre,
Kamptee-410 01.

5. Officer Commanding
2 AIR FMN Postal Unit,
Pin: 902 302.
C/o. 56 APO.

6. Superintendent of Post Office,
Nanjangud Division,
Nanjangud-571 301.

7. Post Master General,
South Karnataka Region,
Bengaluru-560 001.

8. Chief Post Master General,
Karnataka Circle,
Bangalore-560 001.

...Respondents

(By Shri M. Swayam Prakash, Sr. Central Government Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

We heard Major D.K. Subba and Major Lalit Pandey. They would say that actually they have had the applicant's issue enquired through the Zilla Sainik Board and having found the request made by him, genuine, had already cancelled the order of transfer to Leh and posted him back to Delhi. Besides which they had put him in the roster, according to the preference to be given to the people who have to be posted out of the area and APS service is qualified as Army service. Applicant voluntarily chose to be part of it and he is a Warrant Officer also. He is eligible to be treated as service personnel. They would say that once the applicant returns back to them, they will complete the discharge formalities and their provision for finalizing the final settlement of the discharged officer.

2. We have indicated to them that there should not be any coercive action against the applicant, because under the Constitution of India, even if he is an army man on deputation, he is bound with Section 14 of specific relief set. This they seem to be in agreement with.

3. Therefore, the applicant will return and present himself before the concerned authority within one month next and thereupon appropriate action will be taken to finalize his discharge, as applicant submits that his wife is a psychiatric patient and only his mother is available at the native place and the young children cannot be looked after properly. Constitutional right of existence and development of young children are part of man's fundamental rights. Therefore, we will direct the applicant to return back to duty forthwith and the concerned authority to release him as early as possible, so that he may return to the bosom of his family.

4. We express our gratitude to the concerned officials who have explained the matter. The respondents have indicated that they will, as early as possible, discharge the applicant. But let it be done within a time frame of six months.

5. OA closed as above. No costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No.95/2017

Annexure A-1: Copy of representation of the applicant dated 26.05.2011 and 08.08.2011.

Annexure A-2: Copy of the letter No.A/6-1/APSI dated 12.9.2011 issued by 57 MTN Div. Postal Unit Pin-902257 C/o.99 APO.

Annexure A-3: Copy of Letter No. P&T Cell/8375/27-H/P.A.4 dated 29.09.2015 issued by P&T Administration Cell APS Centre Pin:900 746 C/o.56 APO.

Annexure A-4: Copy of Suptd. Of Post Offices Nanjangud Dvn. Letter B2-5/dlgs/ dated 30.11.2015.

Annexure A-5: Copy of representation of the applicant dated 29.12.2015.

Annexure A-6: Copy of representation dated 1.1.2016.

Annexure A-7: Copy of Suptd. Of Post Offices Nanjangud Dvn. Letter No.131/Rect/02/APS/dtd:8.1.2016.

Annexure A-8: Copy of representation dated 30.3.2016.

Annexure A-9: Copy of Medical reports of applicant.

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