

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

...

**Original Application No.290/00151/2019**

**This, the 11<sup>th</sup> day of July, 2019**

.....

**CORAM:**

**HON'BLE SMT. HINA P. SHAH, MEMBER (J)  
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

...

Bhanwar Lal Paliwal S/o shri Kishan Ji, age 55 years, by caste Paliwal, R/o House No.96, Kuldeep Vihar, Opposite BR Birla School, Jhawar Road, Jodhpur. At present posted as Postal Assistant in office of respondent No.4, Senior Superintendent of Post Office, Jodhpur Division, Jodhpur.

**...APPLICANT**

BY ADVOCATE : Mr. Nitin Trivedi

**VERSUS**

1. The Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi, Pin code -110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur pin code 302001.
3. Post Master General, Rajasthan (Western Region), Jodhpur pin code 342001.
4. Senior Superintendent of Post Office, Jodhpur Division, Department of Posts, Jodhpur pin code 342001.

**RESPONDENTS**

**ORDER (ORAL)**

**Per Smt. Hina P. Shah, Member (J)**

The applicant filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

- “(a) By an appropriate order or direction, the respondents may kindly be directed to accept the request of the applicant to forgo his promotion to the post of LSG (NB Cadre Post) in pursuance of the orders dated 04.06.2019 and 11.06.2019 and accordingly, the applicant may kindly be retained at present posting place i.e. head office, Jodhpur on account of forgoing his promotion to the post of LSG (NB) cadre, will all consequential benefits.
- (b) By an appropriate order or direction, the respondents may kindly be directed to retain and to let the applicant perform his duties continuously at present posting place i.e. head office, Jodhpur, with all consequential benefits.
- (c) Any other order or direction, which this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the case, may kindly be passed in favour of the applicant.”

2. The short question raised in this OA is that the applicant by way of impugned promotion order dated 11.06.2019 (Annexure-A/8) is posted and transferred from PA Jodhpur HO to Incharge CPC (PLI), Jaisalmer HO.

3. Learned counsel for the applicant submits that the applicant was medically operated for treatment of tumor in January, 2011 and further again been operated in November, 2015 at Ahmedabad. He further submits that two more employees working, who are junior to the applicant in service, has although been promoted as LSG (NB) cadre has been retained at Jodhpur itself. He further submitted that the applicant is only male member in the family to look after the welfare of old aged father having age of 83 years and his two children, who are pursuing their studies in collage and school. It is the contention of the applicant that since he is suffering from neurological illness and had been operated

twice and is taking regular treatment at Jodhpur, therefore, he is unable to move to present place of posting where his family is residing. Therefore, applicant submitted a representation dated 18.06.2019 and 20.06.2019 whereby he requested to forgo his promotion and also requested to retain him at Head Office Jodhpur or at office of Shastri Nagar, Jodhpur where total five posts of Postal Assistant are lying vacant, but the same has not yet been decided by the respondents. Learned counsel for the applicant submitted that in pursuance of the impugned promotion order, the applicant has not yet been relieved. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to decide his representation sympathetically.

4. Considered the contentions raised by the learned counsel for the applicant and perused the material available on record. It is clear that in pursuance of the promotion order dated 11.06.2019, the applicant has been posted from Jodhpur HO to Jaisalmer HO. Against which the applicant has filed the representations dated 18.06.2019 and 20.06.2019 requesting for forgoing his transfer and also requesting therein to retain him at Head Office Jodhpur or at office of Shastri Nagar, Jodhpur looking to his family and health issues. Since the representations of the applicant are still pending and the applicant has approached this Tribunal without deciding the same, therefore, it appears that the present OA is premature. However, looking to the limited prayer made by the applicant regarding disposal of his representations, we are not going into the merits of the case and are inclined to dispose of this OA with certain directions at admission stage itself. Accordingly, the respondents are directed to

decide the representations of the applicant dated 18.06.2019 and 20.06.2019 within a period of one month from the date of receipt of a copy of this order in accordance with law by way of passing a reasoned and speaking order. Till the decision of his representations, the applicant may not be relieved from his present place of posting i.e. PA Jodhpur HO, if he is not relieved till date. It is made clear that if any adverse order is passed by the respondents in his representation, then the applicant may be protected and at least further one week's time be given to the applicant to protest his defence or to join his place of posting.

5. Accordingly, the OA is disposed as stated above. No order as to costs.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

**(HINA P. SHAH)**  
**MEMBER (J)**