

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 040/00002/2020

Date of Decision: 07.01.2020

**THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER**  
**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**



Shri Kamal Nath, Accountant,  
Divisional Office Tezpur,  
Son of late Govinda Nath,  
Saikia Chuburi, Murha Teleti,  
P.O. – Tezpur , 784001,  
Dist. – Sonitpur, Assam

....Applicant

By Advocate: Sri D. N. Sharma

-VERSUS-

1. The Union of India  
Represented by the Secretary  
to the Government of India,  
Ministry of Communication & IT  
Department of Posts, Dak  
Bhawan, New Delhi – 11001.
2. The Director Postal Services,  
(HQ), O/O the chief  
Postmaster General, Assam  
Circle, Guwahati – 781001.
3. The Sr. Superintendent of Post  
offices, Darrang Division,  
Tezpur – 784001.

....Respondents

**ORDER (ORAL)****MANJULA DAS, JUDICIAL MEMBER:**

This application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief :

“8.1 The Hon'ble Tribunal be pleased to direct the respondents to quash the impugned order of transfer (Annexure A1 & A2) and upgrade the post of Accountant, Divisional office and one post in Tezpur HPO as LSG Accountant as per the para 5 (viii) of mem No. 25-04/2012-PE-1 (Volume II) dated 10.11.2017.

8.2 Any other relief(s) which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.



2. Sri D. N. Sharma, learned counsel for the applicant submitted that the applicant was initially appointed as Postal Assistant in the Darrang Postal Division. The applicant passed the PO & RMS accountant examination in the year 2001 and was posted as accountant at Mangaldai. After completion of his tenure as accountant in Mangaldai upto 31.12.2006, the applicant was transferred to Tezpur H.O. and worked there upto 11.07.2018. Thereafter, again the applicant has been transferred to Divisional office, Tezpur and now is working as such from 12.07.2018 till date.

3. Learned counsel further submitted that the applicant was selected for promotion to LSG (Postal) cadre in general line on the basis of seniority cum fitness vide memo dated 10.05.2019 and vide transfer order dated 17.06.2019 he had been posted and transferred as Sub-postmaster at Besseria Sub post office. After receipt of such order of transfer and posting to Besseria Sub post office, the applicant had made representations dated 24.06.2019 & 05.11.2019. However, according to the learned counsel, the respondent authority without cancelling the previous transfer order to Besseria and without considering the representations of the applicant, issued another transfer order dated 03.12.2019 by which the applicant has been transferred to Udalguri Sub Post office as Postal Assistant. Being aggrieved with the said impugned transfer order dated 03.12.2019, the applicant made a representation dated 09.12.2019. But the same has not yet been considered by the respondents. Accordingly the learned counsel prayed that atleast the last pending representation dated 09.12.2019 may be disposed of and till disposal of the said representation the applicant may not be disturbed from his present place of posting.



4. We have heard learned counsel for the applicant, perused the pleadings and materials placed before us. Keeping in view of the representation pending, without going into the merit of the case as well as without issuing notice to the respondents, we found that it is a fit case to direct the appropriate authority to consider the pending representation dated 09.12.2019 and dispose of it by passing a reasoned and speaking order within a reasonable period of one month from date of receipt copy of this order. Till such time, the applicant shall not be disturbed from his present place of posting. Order accordingly.



5. No order as to costs.

**(N. NEHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

BD