

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**No. OA 581 of 2020
MA 15 of 2021
MA 51 of 2021**

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)
Hon'ble Mr. C.V.Sankar, Member (A)

PRAMOD KUMAR HOTA

VS

D/O POST

For the applicant : Mr.C.P.Sahani, counsel

For the respondents: Mr.C.M.Singh, counsel (Off. Resp.)
Mr.A.Mohanty, counsel (PR No. 5)

Heard & reserved on : 28.1.2021 Order on :

O R D E R

Per Mr.Swarup Kumar Mishra, J.M.

Heard Mr.C.P.Sahani, learned counsel for the applicant, Mr.C.M.Singh, learned counsel for the official respondents and Mr.Arabinda Mohanty, learned counsel for the private respondent No.5, through video conferencing.

2. MA 15/2021 has been filed by the official respondents for vacation of the interim order dated 1.1.2021 and MA 51/2021 has been filed by the private respondent No.5 for modification of the interim order to allow him to perform his duty at the new place of posting.

3. Learned counsel for the applicant has submitted that there was interim order of status quo passed by the Tribunal on 1.1.2021 which reads as under :

“.....Since the applicant apprehends that he will be disturbed at this stage, by way of interim measure and in the interest of justice and equity, we pass order of status quo as on date if the applicant is not yet relieved subject to the condition that successor of the applicant is impleaded as party in this OA by tomorrow.”

He has stated that the applicant has not handed over charge to private respondent No.5 and he was waiting for the appropriate order to be passed in the OA on that date as he was directed to hand over charge by 12 noon. It is submitted on behalf of the private respondent No.5 as well as official respondents that the private respondent No.5 has already taken over the charge at about 10.30 AM after he reached his new place of posting at Jagatsinghpur at about 8 AM. Since the applicant did not hand over charge to

him therefore at about 10.58 AM, he has sent email to his higher authority intimating as under :

“Sir, I Ranjan Kumar Sahoo, Ex postmaster Banki mdg directed by your office letter No. B/G-64/CH iv dt. 30/12/2020 to assume the charge of postmaster Jagatsinghpur. After relieved from Banki mdg on 31.12.20 I reached at Jagatsinghpur Head post office at 8 hrs and after the regular postmaster attend office I placed the order but denied to made over charge and said to wait till any instructions came from Circle office for his representation. I am waiting here now also. It is for your kind information and waiting for further instructions.”

3. It is submitted by Mr.Singh, learned counsel for the official respondents that after the status quo order was passed at 11.45 AM, he intimated the concerned authority through email at about 11.45 AM on that date i.e. 1.1.2021. It is ascertained from the learned counsel for the parties that the applicant has not handed over charge of Cash & Store etc. to private respondent No. 5. Although it is claimed by private respondent No. 5 that he has assumed charge of the post in question on that date at about 10.55 AM, learned counsel for the applicant has drawn our attention to Rule 286 (2) of GFR, 2017 in support of his submission that once the concerned official holding the post is required to deal with Cash & Store etc. therefore in the absence of proper handing over of charge, mere assuming of charge by private respondent No. 5 cannot be accepted in support of the claim made by private respondent No. 5 that he has already assumed charge before the order of status quo was intimated to the respondents. It is ascertained from the learned counsel for the official respondents that private respondent No.5 is not able to perform his official duty due to not handing over Cash & Store etc. by the applicant and the public is facing difficulties.

4. It was submitted by learned counsel for the official respondents that in the order of transfer of the applicant it has been mentioned that transfer is being made on 29.12.2020. In this regard he has further submitted that there are serious allegations of financial irregularities against the applicant and therefore he was transferred from that place. Order of transfer cannot be made by way of punishment or in the guise of transfer one cannot be imposed with punishment when the matter has not been entered into. The authorities could

have resorted to other methods of punishment if the situation so justifies, but the transfer of the concerned official on the ground of financial irregularities *prima facie* at this stage cannot be justified.

5. In the circumstances in order to avoid any inconvenience to the public and the department, it is directed that the applicant will continue to serve as Postmaster, Jagatsinghpur SO until further orders. The official respondents are directed to take necessary steps to accommodate private respondent No.5 in any other suitable position in order to avoid any inconvenience to him and to the department. We are passing this order only as an interim measure so that the public in general and department in particular shall not face any hardship, keeping in view that we are going to hear the matter finally as expeditiously as possible within a short time.

6. In the circumstances put up the matter on 1.2.2021 for further orders.

7. Private respondent No.5 to file Counter, if any and applicant to file rejoinder, if any, accordingly.

(C.V.SANKAR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

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