

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 045/00199/2020

Date of Order: This, the 18<sup>th</sup> day of November 2020

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**

**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Sri Shyamal Dutta  
S/o Lt. Rashomay Dutta  
Postal Asstt. Roing S.O.  
Dist – Lower Dibang Valley  
Arunachal Pradesh, Pin – 792110.

**...Applicant**

By Advocates: Sri V. Kumar

-Versus-

1. Union of India  
Through the Secretary  
Ministry of Communication  
Dak Bhawan, New Delhi – 110001.
2. The Chief Postmaster General (Staff)  
Department of Posts  
North East Circle, Shillong  
Meghalaya – 793001.

3. The Director of Postal Services  
Arunachal Pradesh Division  
Department of Posts  
Itanagar – 791111.
4. The Chief Postmaster General (Staff)  
Assam Circle, Megdoot Bhawan  
Guwahati – 781001.
5. The Superintendent of Post Offices  
Dibrugarh Division  
Dibrugarh, Assam.

**...Respondents.**



By Advocate: Sri R. Hazarika, Addl. CGSC

### **ORDER (ORAL)**

#### **MANJULA DAS, MEMBER (J)**

This matter has been taken up through video conferencing.

2. By this O.A., applicant prays the following reliefs:-

"8(i) To direct the Respondent No. 3 i.e. the Director of Postal Services, Arunachal Division to relieve the applicant for joining at North Lakhimpur HO, under Dibrugarh Division, Assam Circle without further delay.

8.(ii) To direct the Respondent No. 2 i.e. the Chief Post Master General (Staff), North East Circle, Shillong i.e. Respondent No. 2 to approve the inter circle transfer of the applicant to Dibrugarh Division, under Assam Circle without further delay.

8.(iii) To direct the Respondent No. 3, i.e. the Director of Postal Services, Arunachal Division to release the applicant for joining at North Lakhimpur HO, under Dibrugarh Division, Assam Circle after receiving the approval from the Respondent – (2) without further delay.

8.(iv) It is further prayed that the respondent authorities may be directed to take all steps for relieve of the applicant under Rule-38 of P & T Manual Vol. IV to North Lakhimpur HO, under Dibrugarh Division Assam Circle, Assam from Arunachal Pradesh Division, under North East Circle, Shillong without further delay.

8.(v) Any appropriate Order of Direction to give full and effective relief's to the applicant."



2. Sri V. Kumar, learned counsel appearing for the applicant submits that applicant joined the postal services as E.D. Messenger in the year 1991. Thereafter, in the year 1996, he qualified for promotion to the cadre of Postman and accordingly, after qualifying in the Departmental Examination, in the year 2003, he was promoted to PA Cadre and posted to Along MDG. On 17.05.2004, he was sent on deputation to hold charge

of SPM at Tuting, SO. Subsequently, deputation to Tuting, SO was treated as regular transfer. On 19.06.2007, applicant was transferred from Tuting SO to Divisional Office, Itanagar as SO against vacant post. On 22.02.2008, applicant was transferred to Likabali SO as SPM from Divisional Office, Itanagar. Then on 15.07.2011, he was transferred to Itanagar HO. Again on 02.05.2019, applicant was transferred from Itanagar HO to Roing SO as PA.



3. Sri Kumar further submits that on 04.11.2019, applicant was again ordered to proceed to Anini to facilitate official to avail the earned leave. But due to ill-health, he couldn't able to complied with the said order dated 04.11.2019. For non-compliance of the office order dated 04.11.2019, he was placed under suspension vide order dated 13.11.2019 and subsequently, vide order dated 16.01.2020, his suspension order was revoked and he was temporarily

transferred and posted as Sub-Postmaster, Changlang, S.O. against leave vacancy. The applicant joined at Roing S.O. as P.A. but after five days of joining there at Roing S.O., he was deputed to work as P.A. (Sub-Account) Itanagar H.O. vide order dated 12.02.2020. According to Sri Kumar, till 16.05.2020, applicant was working as P.A. (Sub-Account) at Itanagar H.O. and on release from Itanagar H.O., he joined at Roing SO on 18.05.2020 and till date, he is working as P.A. at Roing SO.



4. Sri Kumar further submits that in the year 2012 while the applicant was posted at Itanagar HO, he had applied for inter circle transfer under Rule 38 of the P & T Manual Vol. IV from Arunachal Pradesh Division under N.E. Circle to Dibrugarh/Darrang Division, under Assam Circle and the same was duly forwarded from the office of the respondent No. 3 i.e. the Director of Postal Services, Arunachal Pradesh Division to the office of the

respondent No. 2 i.e. the Chief Postmaster General (Staff), NE Circle vide letter No. B-3/IC/Rule-38/S. Dutta dated 01.03.2012. According to Sri Kumar, same was forwarded from the office of the Chief Postmaster General (Staff), NE Circle to Assam Circle for approval. Subsequently, on 02.12.2015, the office of the Chief Postmaster General, Assam Circle, vide Memo No. Staff/17-Rule 38 Register/2015 conveyed the approval for inter circle transfer of the applicant under Rule 38 of P & T Vol. IV from Itanagar HO, under AP Division to Dibrugarh Division, Dibrugarh and in pursuance to the said approval, the respondent No. 5 i.e. the Superintendent of Post, Dibrugarh Division, Dibrugarh issued applicant's transfer and posting order vide No. B-4/Corr/Ch VIII dated 24.12.2015 from Itanagar HO, under AP Division to North Lakhimpur HO, under Dibrugarh Division, Dibrugarh. However, inspite of the approval order of the Chief Postmaster General, Assam



Circle as well as transfer and posting order of the Superintendent of Post, Dibrugarh Division, Dibrugarh, applicant was not released. Being aggrieved for non-releasing, applicant submitted a representation before the respondent No. 3 on 22.05.2017 for his early release.



5. Sri Kumar highlighted the case of one incumbent namely Smt. Bidyarani Devi, PA, SPM, Daparjio of A.P. Division and submitted that although said Smt. Bidyarani Devi was junior to the applicant who joined the postal services as Postal Assistant only on 08.07.2016, however, her case for Inter-Circle was considered vide order dated 26.02.2018 and accordingly, vide order dated 24.03.2018, she was relieved under Rule 38 of P & T Manual Vol-IV. Being aggrieved, applicant had again submitted representations before the respondent Nos. 2 & 3 on 03.08.2019 to relieve him under Rule 38 of the P & T

Manual Vol. IV. However, till date, respondent authorities have not considered his representations.

6. Learned counsel further submits that without any reasonable cause, arbitrarily and unfairly, the respondent authorities have not released the applicant under Rule 38 of the P & T Manual Vol. IV inspite of the approval order of the Chief Postmaster General, Assam Circle as well as transfer and posting order of the Superintendent of Post, Dibrugarh Division, Dibrugarh long back in the year 2015 whereas the respondent Nos. 2 & 3 have already released some of the Postal Assistant working under the Director Postal Services, A.P. Division, under Rule 38 of the P & T Manual Vol. IV who were rather junior to the applicant. Accordingly, learned counsel prays for consideration of applicant's case by releasing him at early in terms of approval dated 02.12.2015 issued from the office of the Chief Postmaster General, Assam Circle as well as transfer





and posting order dated 24.12.2015 issued from the office of the Superintendent Posts, Dibrugarh Division, Dibrugarh.

7. On the other hand, Sri R. Hazarika, learned Addl. CGSC appearing on behalf of the respondents submit that vide office order dated 13.11.2019, he was placed under suspension which was subsequently revoked vide order dated 16.01.2020. However, case of the applicant will be considered as and when vacancy arises.



8. By considering the submissions made by the learned counsel for both parties, without expressing any opinion on merit, we hereby direct the respondent authorities more particularly respondent No. 2/3 to consider the case of the applicant by implementing their order dated 02.12.2015 in respect of the applicant, by posting him at North Lakhimpur HO under Dibrugarh

Division within a period of three months' from the date of receipt copy of this order.

9. With the above directions, O.A. stands disposed of at the admission stage.

10. There shall be no order as to costs.



**PB**

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

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