

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00236/2020

DATED THIS THE 09TH DAY OF APRIL, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Shri Halesh Kumar C.,
S/o Chandrashekhar,
Aged about 36 years,
Working as Assistant Accounts Officer,
Mail Motor Service,
Department of Posts,
Bengaluru 560 001
Residing at No. 3506/A, 3rd Main,
6th Cross, Gayathrinagar,
Bengaluru 560 021

....Applicant

(By Advocate Shri B. Ramachandra - through video conference)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhavan,
New Delhi 110 001.

2. The Director,
Ministry of Communication,
Department of Posts,
Postal Accounts Wing,
Dak Bhavan, New Delhi 110 001

3. The General Manager,
Postal Accounts and Finance,

Karnataka Circle, 3rd Floor,
GPO Building, Bengaluru 560 001

4. The Deputy Director,
Office of the General Manager,
Postal Accounts & Finance,
Karnataka Circle, 3rd Floor,
GPO Building, Bengaluru 560 001

5. Ms. N. Indumathi,
Major,
Working as Assistant Accounts Officer,
O/o PMGSK Region (BPC), Manipal

....Respondents

(By Shri Gajendra Vasu, Senior Panel Counsel, for Respondents No. 1 to 4 -
through video conference
None for Respondent No. 5)

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

“a) Issue writ of certiorari or any other appropriate writ or order or direction, quashing the impugned order bearing Ref. No. 3565/Admn/Per.I/32/Postng/AAO dated 13.03.2020 issued by the 2nd Respondent, true copy of which is been produced and marked as Annexure-A3, as the same is illegal, arbitrary, unjust, malafide, without application of mind, and violative of transfer guidelines dated 31.12.2013 and also violative of Articles 14 and 16 of the Constitution;

b) Issue writ of mandamus or any other appropriate writ or order or direction, directing the official respondents to continue the applicant as Assistant Accounts Officer, Mail Motor Service, Bengaluru”

2. At the very outset, Shri Ramachandra, learned counsel for the applicant, submitted that the present Original Application may be disposed

of while granting a liberty to applicant to file a representation before the respondents with a further direction to revisit the impugned order and pass a fresh order in view of the policy guidelines in vogue.

3. In view of the aforesated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a liberty to applicant to file a detailed and comprehensive representation before the competent authority making therein a request to revisit the order dated 13.03.2020 (Annexure-A3). If such a representation is moved by the applicant within a period of three weeks from today, the same shall be considered by the competent authority in the light of policy guidelines in vogue and a reasoned and speaking order shall be passed within a period of four weeks thereafter. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. So long as the matter remains pending with the competent authority, the applicant shall not be displaced from his present place of posting.

5. Ordered accordingly. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)