

11

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.159 of 1988.

Date of Decision : May 24, 1988.

Mandaradhar Sahu,
aged about 41 years,
son of Sri Ganeswar Sahu,
at present working as Postal Assistant,
Bhadrak Head Post Office,
At/P.O.Bhadrak, Dist-Balasore. ...

Applicant.

Versus

1. Union of India,
represented by its Secretary,
in the Department of Posts,
Dak Bhawan, New Delhi.

2. Postmaster General, Orissa Circle,
At, P.O.Bhubaneswar, Dist-Puri.

3. Superintendent of Post Offices,
Bhadrak Division, At, P.O. Bhadrak,
Dist-Balasore. ...

Respondents.

For the applicant ... M/s. Deepak Misra, &
A. Deo, Advocates.

For the respondents ... Mr. A. B. Mishra, Senior Standing
Counsel (Central).

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order passed by the competent authority transferring him to Randiahat Post Office within the Subdivision of Bhadrak.

2. Shortly stated, the case of the applicant is that he was called upon by the competent authority vide Annexure-1 to give his option stating the names of different stations to which the applicant wants to be posted as Postal Assistant. The applicant gave his option and ultimately the applicant was transferred to Randiahat Post Office. The applicant raised objection by way of making representation stating therein that his son had died at Randiahat and there would be a sentimental feeling and may cause detriment to his mental condition if he is posted at Randiahat and therefore, the applicant prayed that he may be posted in any other station except Randiahat keeping in view the option exercised by him. The order of transfer to Randiahat was kept in abeyance and the applicant was posted as Postal Assistant in Bhadrak Head Post Office. In course of time, another order was passed by the competent authority directing the applicant to join at Randiahat. Hence, this application.

3. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A. B. Mishra, learned Senior Standing Counsel (Central) at some length. It was submitted before us by Mr. Deepak Misra that the son of the applicant had died at Randiahat and therefore the applicant would suffer from great

mental disturbance if he is asked to join at Randiahat. We think there is substantial force in the aforesaid contention of Mr. Deepak Misra. Therefore, we would quash the order passed by the competent authority transferring the applicant to Randiahat and we further direct that the competent authority may take into consideration the aforesaid facts and circumstances and give posting to the applicant in any other station keeping in view the option given by the applicant and we would also say that the competent authority should consider the posting of the applicant at Bhadrak.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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Member (Judicial)

R. PATEL, VICE-CHAIRMAN,

I agree.

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Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
May 24, 1988/S. Sarangi.