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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 474 of 1991

Date of Decision 10.2.1992

Sridhar Rath Applicant

Versus

Union of India & Others Respondents

For the applicant

M/s. Devanand Mishra,
Deepak Mishra,
R.N. Naik, A. Deo,
P. Panda, B.S.
Tripathy, Advocates

For the respondents

M/s. A.K. Mishra,
Sr. Standing Counsel
Central Government

C O R A M

HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

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

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, We have heard learned counsel for the petitioner. Claim of the petitioner is to direct the opposite parties to make payment of Deputation T.A. because the petitioner had been temporarily transferred to Berhampur as the Senior Superintendent of Post Offices. From the averments in the pleadings of the petition^{er}, we find that at a certain point of time he was informed that due to the orders passed by this Bench in Original Application No. 110/87, the petitioner is temporarily transferred to Berhampur. Soon thereafter the petitioner had joined as Senior Superintendent of Post Offices, Berhampur and had worked as such. Sometime later after the disposal of Original Application No. 110 of 1987, the petitioner's transfer and posting^{made} was on permanent basis. Hence this claim.

2. Even though no counter has been filed in this case despite several directions given to the postal authorities, yet Court has^a duty to find out whether a prima facie case exists in favour of the petitioner. As stated earlier the petitioner had been transferred (no doubt on temporary basis) but later his transfer was regularised. In such a situation we do not think that there is any justification on the part of the petitioner to claim deputation T.A. This case deserves no merit. Hence dismissed. No cost.

3. Before we part with this case we cannot but observe the callousness on the part of the Postal

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authorities in not giving due response to the notices issued by this Court. On 23.12.1991 notice was issued to the opposite parties. The matter came up on 13.2.1992, there was no response and another notice was sent specially inviting the attention of Chief Post Master General. The matter came up on 27.1.1992, there was no response and till today there is still no response.

4. A copy of this order be sent to the Chief Post Master General in his name, for his information with a request to issue appropriate directions to his subordinates that in future if no response is received from the opposite parties, the Court will have no other option ^{but} to proceed without counter from the opposite parties.

B. K. Sahoo
MEMBER (ADMINISTRATIVE)

B. K. Sahoo
10.2.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated 10.2.1992/ B.K.Sahoo