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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.221 of 1992.

Date of decision : June 10, 1992.

Natabar Mishra ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. Deepak Misra,
A. Deo, B.S. Tripathy,
Advocates.

For the respondents 1 to 3 .. Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

For the respondent No. 4 ... Mr. Antaryami Rath,
Advocate.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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 His Lordship wishes to see the fair copy of the judgment ? Yes.

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JUDGMENT

K. P. ACHARYA, V.C.,

In this application under section 19 of the

Administrative Tribunals Act, 1985, the applicant Natabar Mishra prays to quash the order passed by the competent authority contained in Annexure-4 dated 20.5.1992 transferring him (Natabar) as Asst. Post Master, Jajpur Head Office.

2. Vide order dated 22.5.1992 this Bench had stayed operation of such transfer order pending final orders on the representation of the applicant addressed to the Chief Post Master General. The stay order was effective till 10.6.1992.

3. Mr. Antaryami Rath, learned counsel for Respondent No. 4, R.C. Parida has entered appearance today.

4. I have heard Mr. Deepak Misra, learned counsel

for the applicant, Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 3 and Mr. Antaryami Rath, learned counsel for respondent No. 4.

5. Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) filed a copy of the communication made on behalf of the Chief Post Master General with the Superintendent of Post Offices, Cuttack 'N' Division intimating that the Chief Post Master General has cancelled the transfer of Natabar Mishra from Kendrapara to Jagpur. In such circumstances, in my opinion, the application has become infructuous as there is no further grievance to be agitated on behalf of the applicant. Hence, this application is accordingly disposed of. No costs.

6. Mr. Antaryami Rath submitted that from Annexure-4 it would be apparently clear that Respondent No. 4, R.C. Parida, S.P.M. Indupur has been transferred and posted as PRI(P)/APM Kendrapara Head Office vice Shri Natabar Mishra transferred. Mr. Antaryami Rath submitted that in the meanwhile Shri R.C. Parida (Respondent No. 4) has joined his new place of posting at Kendrapara in place of one Shri Madhusudan Das, ^{No. II} mentioned against serial number 2 of Annexure-4. According to Mr. Rath this may lead to ^{an} anomalous position if some clarification is not issued by the Court allowing Shri R.C. Parida to continue in the post where he has joined at Kendrapara on 21.5.1992. The Court cannot interfere in these matters. Transfer and posting and regularisation of a particular incumbent in a particular post lies completely within the ambit of the administrative authority. I hope and trust

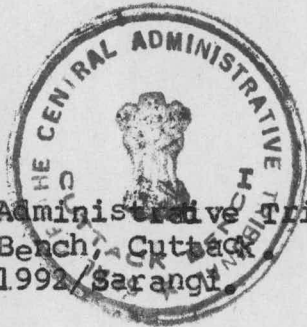
Mr

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the Chief Post Master General/Superintendent of Post Offices, Cuttack 'N' Division will take notice of this fact and pass necessary orders as deemed fit and proper by the Chief Post Master General. Copy of this judgment be sent to the Chief Post Master General, Orissa Circle in his name cover.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
June 10, 1992/Sarang.

[Signature]
10.6.92
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VICE-CHAIRMAN