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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 477 OF 1993

Date of decision: 3rd February, 1994



Jayakrishna Mishra ... Applicant
Versus
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

H. RAJENDRA PRASAD
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
03 FEB 94

K. P. ACHARYA
(K. P. ACHARYA)
VICE-CHAIRMAN

kg 3-2-94

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 477 OF 1993

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Jayakrishna Mishra ... Applicant
Versus
Union of India & Others ... Respondents

For the Applicant : Mr. Satrughna Das, Advocate
For the Respondents : Mr. Ashok Misra, Senior Standing
Counsel (Central).

CORAM:-

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN
&
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

O R D E R

K. P. ACHARYA, V.C.

This case came up for admission and hearing
today.

2. In this application under section 19 of the
Administrative Tribunals Act, 1985, the petitioner prays
that this Bench may cancel the order passed by the
competent authority allowing mutual transfer between
Opp. Party Nos. 4 and 5 and further more orders be passed
transferring the petitioner to Nimapara Sub Division.

3. Petitioner is now working in Ashoka Nagar
Post Office at Bhubaneswar as Postman. Opposite Party
No. 4 who was working as a Postman in B.J.B. Nagar
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Post Office has been transferred to Kakatpur and in his place, Opposite Party No.5 has been transferred from Kakatpur to B.J.B.Nagar Post Office. Prayer of the petitioner is to order cancellation of the transfer between Opposite Party Nos.4 and 5 and also give a posting to the Petitioner by transferring him to Nimapara Sub Division.

4. We have heard Mr. Satrughna Das learned counsel appearing for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central). In our considered view, we have no power to give a posting or to any employee under the Government. It is for the competent authority who has to give a posting order. But admittedly, the petitioner is an orthopadically handicapped person. Therefore, we feel that the concerned authority should take a sympathetic view over the petitioner who would file a representation before the competent authority who may consider the same with utmost sympathy and dispose it of according to law.

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

Member (Administrative)
03 FEB 94

3.2.94
3.2.94
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench/K. Mohanty/3.2.94.