

11.5 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 563 OF 1993

Date of decision: October 18, 1993

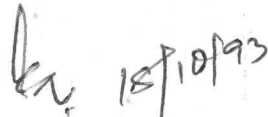
Shri Benudhar Panda ... Applicant
Versus
Union of India & Others ... Respondents

(For Instructions)

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


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

18 OCT 93


(K.P. ACHARYA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 563 of 1993

Date of decision: October 18, 1993

Shri Benudhar Panda	...	Applicant
	Versus	
Union of India & Others	...	Respondents
For the Applicant	... M/s H.P. Rath, D.K. Dey,	Advocates
For the Respondents	... Mr. Ashok Misra,	Senior Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN
A N D

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (AMN.)

J U D G M E N T

K. P. ACHARYA, V. C.

This case is fixed for admission today. With the consent given by the counsel for both sides, we have heard this case on merit and propose to dispose of the case finally instead of unnecessarily keeping the matter pending.

2. Shortly stated the case of the petitioner is that he was initially serving under the Chief Post Master General, Orissa Circle, Bhubaneswar as a Lower Division Clerk and in course of time he was promoted

to the post of an Upper Division Clerk with effect from the year 1984 and has been continuing as such till today. According to the petitioner though he had made several applications in the past, for allotment of quarters, his prayer was not being allowed on the ground that the post occupied by him was a nontransferable one. Further case of the petitioner is that in the meanwhile the post occupied by him has been categorised as a transferable one. We are unable to ascertain the correct position in this regard. It was told to us by Mr. Rath learned counsel appearing for the petitioner during the course of argument advanced by him and Mr. Ashok Misra learned Senior Standing Counsel (Central) that the petitioner Shri Benudhar Panda has filed an application before the competent authority praying to allot a quarters which is now vacant in favour of the petitioner in view of the fact that the post held by him has been categorised as a transferable one. In case such a petition has been filed by the petitioner Shri Benudhar Panda, it is directed that the competent authority should dispose of the said petition within 15 days from the date of receipt of a copy of this judgment. As an abundant precautionary measure, we would direct the petitioner to file a copy of the said petition before the competent authority and

✓

should obtain an acknowledgement by presenting a copy of the judgment to the competent authority and the competent authority should dispose of the representation with a reasoned order within 15 days from the date of filing a copy of the representation. We are of further opinion that the Director of Postal Services, Headquarters at Bhubaneswar, ^{he} is the competent authority in this regard, therefore, copy of the representation be filed ^{before} ~~to~~ ^{by} the Director of Postal Services, headquarters at Bhubaneswar and in case he is not the competent authority, the Director of Postal Services is requested to send the said copy of the representation to the competent authority for disposal according to law, within the stipulated period mentioned above, with a reasoned order. We were told that a quarters bearing NO. Type III, Or. Nos. 70 in P&T Colony, Unit IV, Bhubaneswar is now vacant. In case it is so, the said quarters should not be filled up till the competent authority finally dispose of the representation of the petitioner within the stipulated period.

3. Thus, the application is accordingly disposed of. There would be no order as to costs.

4. A copy of the judgment be delivered to Mr. Rath learned counsel appearing for the petitioner and Mr. Misra learned Senior Standing Counsel (Central) and by such

delivery it would be deemed that copy of the judgment has been delivered to the parties. No further steps be taken to send copies of the judgment to the parties.

.....
Member (Administrative)

18 OCT 93

.....
Vice-Chairman

Central Admn. Tribunal,
Cuttack Bench, Cuttack
K. Mohanty/18.10.1993.