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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 566 of 1993

Date of Decision: 19.10.1993

Narasingh Sahu

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No

  
MEMBER (ADMINISTRATIVE)

20 OCT 93

  
VICE-CHAIRMAN



3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

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Date of Decision: 19.10.1993

Narasingh Sahu

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s.S.K.Dasa  
S.B.Jena  
J.P.Rath,  
Advocates

For the respondents

Mr.Ashok Mishra  
Sr.Standing Counsel  
(Central)

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C O R A M:

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

AND

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

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to be issued to OP No.2 to give a posting to the petitioner according to places which he had chosen before his transfer from Itanagar was effected and it is further prayed that the petitioner be paid his transfer T.A. etc. within a reasonable time.

2. The petitioner is a Superintendent of Post Offices now posted at Balasore. Previously the petitioner was working at Itanagar within the state of Arunchal Pradesh. After serving in a hard station, the petitioner was transferred to Orissa. According to the petitioner, the competent authority asked him to give option for place



of his posting in Orissa and this was as per rules. The petitioner, in his communication addressed to the competent authority stated that he may be posted either at Bhubaneswar or Berhampur or at Aska. This choice exercised by the petitioner was not acted upon by the opposite parties and therefore this application has been filed with the aforesaid prayer.

3. Instead of keeping this matter pending unnecessarily we decided to dispose of the matter finally with the consent given by the counsel for both sides though this case had come up for admission to-day.

4. We have heard Mr. S.B. Jena, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel. Bench cannot give a posting order. It lies within the competence of the concerned authority, but we have no iota of doubt to hold that the petitioner had given his choice for his place of posting either at Bhubaneswar or at Berhampur or at Aska. The competent authority is never bound to act on the choice of the petitioner, but efforts should be made to give him a posting at such places of his choice if there is no administrative difficulty faced by the competent authority. In the present circumstances we are unable to know as to the reasons for which the choice given by the petitioner was not acted upon. But it was told to us by the learned counsel for the petitioner that there is a post vacant at Aska. If it is so, the competent authority may consider the prayer of the petitioner for a posting at Aska and pass necessary orders as deemed fit and proper if there is no administrative difficulty.



5. As regards non-disbursement of T.A. claim etc., we would direct that the concerned authority would devote his attention to this aspect of the matter and if there are no defects in T.A. Bill and rules do not stand on the way, the T.A. claims should be finally disposed of within 30 days from the date of receipt of a copy of this judgment. In case the rules do not permit for disbursement of T.A. claim, then the competent authority while disposing of the matter should pass a reasoned order, so that it should be the subject matter of judicial review, if occasion arises in future. This judgment will be effective provided that the petitioner files ~~into~~ the Registry an IPO of Rs.50/-, either during the course of the day or latest by 20.10.93. Thus the application is accordingly disposed of. No costs.

  
MEMBER (ADMINISTRATIVE)

20 OCT 93

  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 19.10.1993/ B.K. Sahoo

