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Central Administrative Tribunal  
Cuttack Bench, Cuttack

Original Application No.57 of 1993

Date of disposal: March 29, 1993.

Adikanda Samal     ...     ... Petitioner

Versus

Union of India and others     ... Opp. Parties.

For the Petitioner : M/s S.K.Dey, B.B.Patnaik,  
and M.K.Nayak, Advocates

For the Opp. Parties : Mr. Ashok Misra,  
Sr. St. Counsel (Central)

....

CORAM:

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

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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 wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

This case came up for admission today.

The Petitioner Shri Adikanda Samal who is Sub-Post Master of Singhpur Post Office has since been transferred to Kendrapara Head Post Office as a Postal Assistant. Hence this application has been filed to quash the order of transfer.

2. The first ground on which the order of transfer is sought to be quashed is that the Petitioner Shri Samal joined the post at Singhpur on 10th June, 1992 and he has been transferred on 4th February, 1993. According to Mr. Dey learned counsel for the petitioner such frequent transfer would uproot the convenience of the family and therefore the same should be quashed.

3. On the other hand Mr. Ashok Misra learned Senior Standing Counsel (Central) appearing for the Opposite Parties submitted that the Departmental Authorities do not have any intention to effect frequent transfer. But the peculiar facts and circumstances of the case has forced the concerned authority to order transfer of the petitioner. According to Mr. Mishra learned Standing Counsel (Central), the petitioner was in control and custody of Government cash to the extent of Rs. 8,000/- and odd. Taking advantage of the agitation made resulting

from Mandal Commission Report, the Petitioner had set up a case that the said amount was removed by the Agitators from his table. Further more it was submitted by Mr. Misra that there was no occasion or scope for the petitioner to bring out the cash from the Iron chest and place it on the table. In this connection a preliminary enquiry is being conducted to ascertain as to whether the petitioner had any connection with the removal of the cash and therefore for the purpose of holding a fair enquiry, the petitioner has been transferred to Kendrapara. Mr. Dey learned counsel appearing for the petitioner submitted that transfer of the petitioner from Singhpur to Kendrapara will amount to reduction in the Pay scale of the petitioner which was disputed by Mr. Ashok Misra learned Senior Standing Counsel and it was further contended by Mr. Dey that this amounts to a punishment. Therefore the transfer order should be quashed.

4. I express no opinion regarding the culpability or otherwise of the petitioner regarding removal of rupees eight thousand and odd because an enquiry is pending but I am in complete agreement with the view of Mr. Misra that for the purpose of a fair enquiry the petitioner should no longer be posted at Singhpur and his transfer is justifiable under the law. At this stage it cannot be said that the transfer amounts to a punishment. But I would

specifically direct that the petitioner's emoluments to which he is entitled and was drawing at Singhpur shall not be affected in any manner what-so-ever during his **incumbency** in the Kendrapara Head Post Office as a Postal Assistant. Subject to this observation, the prayer to quash the order of transfer stands dismissed. No costs.

5. Send a copy of this judgment forthwith to the concerned Superintendent of Post Offices.

*.....*  
29.3.93.  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
29.3.93.

