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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 245 OF 1999
Cuttack, this the 23rd day of September, 1999

Aditya Prasad Panda

Applicant

Vrs.

Union of India and others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *Yes*
2. Whether it be circulated to all the benches of the Central Administrative Tribunal or not? *No*

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
23.9.99

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CORAM:

**HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL).**

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Aditya Prasad Panda, aged about 36 years, son of late
Narayan Panda, Village/PO-Kantio Putasahi, PS-Tumusingha,
District-Dhenkanal Applicant

Advocates for applicant -M/s P.K.Mohanty
S.N.Kanungo

Vrs.

1. Union of India, represented by Director General of
Posts, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Orissa Circle,
Bhubaneswar-751 001.
3. Superintendent of Post Offices, Dhenkanal Division,
Dhenkanal.
4. Director of Postal Services, Sambalpur Region,
Sambalpur Respondents

Advocate for respondents - Mr.A.K.Bose
Sr.C.G.S.C.

O R D E R
(ORAL)

SOMNATH SOM, VICE-CHAIRMAN

S. Som.
In this Application under Section 19 of
Administrative Tribunals Act, 1985, the petitioner has
prayed for quashing the order at Annexure-3. He has also
prayed that he should be allowed to continue as Postal
Assistant, Nalco Nagar P.O. for another period of two
years.

2. Facts of this case, according to the applicant, are that in order dated 16.5.1997 at Annexure-1 he was transferred from the post of Postal Assistant, Angul, to Postal Assistant, Nalco Nagar. Even before completion of four years, in the order at Annexure-3 he has been transferred from the post of Postal Assistant, Nalco Nagar to Postal Assistant, Talcher. The applicant has stated that he has school going children at Nalco Nagar and his wife is also serving at a nearby place. It is also submitted that there are several other persons who have completed their tenure at Nalco Nagar but they have not been transferred whereas the applicant has been picked up for discriminatory treatment. On that ground, the applicant has come up in this petition with the prayers referred to earlier.

3. Respondents in their counter have pointed out that while working as Postal Assistant, Nalco Nagar S.O., on 19.11.1998 the applicant misbehaved with General Manager, NALCO, who came to the Post Office to enquire about transfer of his NSS Accounts. The same incident was published in the Oriya newspaper and the matter was enquired into by respondent no.3 and a detailed report was submitted to the Post Master General, Sambalpur, on 29.12.1998. Thereafter in letter dated 22.2.1999 at Annexure-R/1 the Superintendent of Post Offices, Dhenkanal was directed to transfer the applicant in the ensuing transfer season. The complaint made by General Manager, NALCO, has also been enclosed at Annexure-R/2. On the above grounds, the respondents have opposed the prayers of the applicant.

4. The applicant in his rejoinder has reiterated the same points about non-completion of his tenure at Nalco Nagar and the fact that he will be put to inconvenience by this transfer and he has reiterated the prayers made in his OA.

J. Com.

5. We have heard Shri S.N.Kanungo, the learned counsel for the petitioner and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents and have also perused the records.

6. Even though there was an allegation against the applicant made by the General Manager, NALCO that after an altercation with him, the applicant had wrongfully confined the General Manager, NALCO by putting on lock in the room, the applicant has not been transferred immediately after the incident which allegedly took place on 19.11.1998. It has been submitted by the learned counsel for the petitioner that even though the matter was enquired into, the enquiry was held behind his back and during the enquiry no opportunity was given to him to put forth his case. The transfer is by no means a punishment and therefore it was not necessary for the departmental authorities to hold an enquiry giving opportunity to the applicant to state his case. The purpose of the enquiry apparently was to ascertain the correctness of the allegation. It is also stated by the respondents in the counter that the so called incident was published in the newspaper. As the applicant was working in a Post Office at Nalco Nagar attached to the industrial unit and as the incident involved the General Manager, NALCO, it was proper for the respondents to transfer him from that Post Office. We also note that even though the alleged incident was of 19.11.1998, the transfer order came on 7.5.1999, i.e., in the ensuing transfer season. As such the applicant can have no grievance on the ground that he has been transferred because of the allegation made against him. As regards the applicant's point that his wife is serving nearabout Nalco Nagar, there is absolutely no right on the part of the applicant that he should always remain at a convenient place so that his wife can also remain at the same station. In the circumstances

S. J. M.

of the case, we find no fault with the departmental authorities in transferring the applicant from Nalco Nagar to Talcher, which is also not a very long distance away.

7. In view of our findings above, it is not necessary for us to pass any separate order on MA No.557/99 filed by the applicant which is disposed of.

8. In the result, we hold that the applicant has not been able to make out a case for the reliefs claimed by him. The Application is held to be without any merit and the same is rejected but without any order as to costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

(SOMNATH SOM)

VICE-CHAIRMAN

AN/PS