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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 364 OF 1999.
Cuttack, this the 9th day of November, 2000.

Trinath Pradhan,

...

Applicant.

Vrs.

Union of India & 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
(SONNATH SOM)
VICE-CHAIRMAN

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ORIGINAL APPLICATION NO. 364 OF 1999.
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CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDICIAL).

Sri Trinath Pradhan, Aged about 55 years, son of late Satnighna Pradhan of village Jagannathpurpatna, Ps: Banpur, Dist: Khurda at present serving as Gr.D official in Bhei Nagar Sub Post Office under Bhubaneswar Postal Division.

: Applicant.

By legal practitioner : M/s. D.D.Nayak, S.Swain, D.P.Pradhan, M.Mohanty, S.N.Biswal, P.K.Mishra, Advocates.

- VERSUS -

1. Assistant Supdt of Post Offices, Bhubaneswar (North) Division, Bhubaneswar-1.
2. Senior Superintendent of Post Offices, Bhubaneswar Division, Bhubaneswar.
3. The Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist: Khurda.
4. The Director, Postal Services(Hqrs.), Bhubaneswar, Dist: Khurda.
5. The Director General Posts, New Delhi.
6. *S. Som* . Union of India represented through the Secretary, Communications, New Delhi.
7. Sub Postmaster Bhei Nagar Sub Post Office, Bhubaneswar, Dist: Khurda.

: Respondents.

By legal practitioner: Mr.A. Routray, Additional Standing Counsel.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for quashing the order dated 16-7-1999 in which he has been transferred from Bhoi Nagar S.O. to VSSNagar SO in Bhubaneswar town. In this order, two other persons have also been transferred. The second prayer is for a direction to the Respondents to consider his case for the post of Sorting Postman or Authorised Medical Attendant. He has also asked for arrear dues with regard to O.T., non-practising allowances etc.

2. Respondents have filed counter opposing the prayers of the applicant.

3. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. The admitted position is that the applicant is a physically handicapped Gr.D official in the Postal Department. He has been working as Bhoi Nagar S.O. from 1996 and in the impugned order he has been transferred to V.S.S. Nagar S.O., in the Bhubaneswar town.

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Applicant has stated that he is physically handicapped person and by this transfer he has to undertake daily journey of more than thirty KMs and it would be difficult for him to do and that is why he has asked for quashing the impugned order of transfer. He has also stated that he has appeared in the D.H.M.S. examination in the year 1983 and has been successfully listed as a Homoeopathic Practitioner. He has stated that there is a post of

Authorised Medical Attendant in Postal Life Insurance and has been and he is permitted to hold the post but his case has not been considered. He has also stated that under the Rules, he is entitled to enhanced transport allowances which he has not been paid. He has also stated that some of his arrears with regard to overtime allowance has not been paid to him.

3. Respondents in their counter have pointed out that the applicant's work has been highly unsatisfactory and his behaviour untolerable. It is also alleged that a large number of report against his unsatisfactory conduct was received from the SPM, Bhoi Nagar. In view of this he was shifted to VSS Nagar SO. Respondents have stated that applicant resides in his own house and considering his physical disability he has been transferred to the VSS Nagar SO so that he ^{nearer to his place of work} will be residing in his own residence. It is also submitted by learned ASC at the time of hearing that in the meantime the applicant has already joined in his new place of posting at V.S.S.Nagar SO. In view of this, his prayer for cancelling the order of transfer has become infructuous. Moreover, he has prayed for quashing the order of transfer at Annexure-3 in which another person Shri Budhanath Kandi has been posted to Bhoi Nagar SO and in case the applicant's transfer from Bhoi Nagar SO is cancelled, then the interest of Kandi will be adversely affected but even then the applicant has not made him as one of the Respondents in this O.A. In view of this his prayer for cancelling the transfer order at Annexure-3 is also held to be without any merit and the same is rejected.

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4. As regards his transport allowance, it is submitted by Mr. Routray, learned ASC that the said allowance has already

been sanctioned to him .This prayer is also held to be infructuous.

5. As regards his claim for consideration for the post Authorised of Medical Attendant, Respondents have pointed out that there is no such post of Authorised Medical Attendant in PLI, as stated by the applicant. Therefore, this prayer of the petitioner is also without any basis and is rejected.

6. As regards his claim for OT, besides making bald submission that some of his OT dues are kept pending, the petitioner has not given any details of his OT claim. In view of this it is held that this prayer of the applicant is also without any basis and is rejected.

7. In the result, therefore, the Original Application is held to be without any merit and is rejected. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

SUMNATH SOM
VICE-CHAIRMAN

KNM/CM.