

8

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 212 OF 2001

Cuttack, this the <sup>28th</sup> day of August, 2001

Gatikrishna Behera.....

..... 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 Das*  
(SOMNATHSOM)  
VICE-CHAIRMAN  
*28.8.2001*

9

CENTRAL ADMINISTRATIVE TRIBUNAL,  
Cuttack BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 212 OF 2001  
Cuttack, this the 28th day of August, 2001

CORAM:

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

\*\*\*\*\*

Gatikrishna Behera, aged about 51 years, son of late Gunanidhi Behera of Khamar Sahi, PO/P.S/Dist. Dhenkanal, presently working as Postal Assistant, Savings Bank Control Organisation, Dhenkanal H.O...Applicant

Advocates for applicant - M/s S.K.Dash  
SK Misra  
B.Mohapatra  
S.Dash

Vrs.

1. Union of India, represented through its Secretary, Government of India, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Orissa, At/PO-Bhubaneswar, District-Khurda.
3. Post Master General, Sambalpur Region, Sambalpur-768 001.... Respondents

Advocate for respondents - Mr.S.B.Jena  
ACGSC

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

*S. Som*

The petitioner in his amended O.A has prayed for quashing the order dated 23.5.2001 transferring him from the post of P.A., S.B.C.O.Dhenkanal H.O. to the post of P.A., S.B.C.O., Sundargarh H.O. on the grounds urged in the O.A. The respondents have filed counter and additional counter. No rejoinder has been filed. We have heard Shri S.K.Das, the learned counsel for the petitioner and Shri S.B.Jena, the learned Additional Standing Counsel for the respondents. The learned counsel for the petitioner has filed written note of submissions which has also been taken note of.

2. For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that the petitioner had completed his tenure as P.A., S.B.C.O., Dhenkanal H.O. and in the letter dated 11.4.2001 (Annexure-1) he along with other persons, was asked to give his option indicating three places of choice for posting on transfer. In this letter itself it was mentioned that the option would be given due consideration subject to administrative exigencies, but no guarantee can be given that persons will be posted to the place of their choice. The applicant had given option for being posted at Angul H.O., Sambalpur H.O. and Keonjhar H.O. In the impugned order at Annexure-2 he has been transferred to Sundargarh H.O. The applicant has stated that there is a vacancy in the post of P.A., S.B.C.O., Angul H.O. and he could have easily been posted there. It is further stated that Director-General, Poss, in his circular dated 2.3.2000 had directed that for transfer, 2-3 Head Post Offices should be grouped together on the basis of contiguity and S.B.C.O. staff should be transferred from one office to another within the group and any transfer outside a Region should be done only with the concurrence of the Head of the Circle. The applicant has stated that in pursuance of this circular, in Berhampur Region, Head Post Offices have been grouped for the purpose of transfer/posting of SBCO staff, but the same has not been done so far as Sambalpur Region is concerned. In the application as originally filed and as amended the applicant has made no mention about any personal difficulty which would be faced by him on such transfer. But in his representation against the

J. Son.

transfer, enclosed at Annexure-3, he has mentioned that he has taken House Building Loan and also another loan from Bank of India at Angul for constructing a house and heavy amounts are being deducted from his salary towards repayment and because of this, it would be difficult for him to work at a far away place like Sundargarh.

3. Admittedly, the post held by the applicant has transfer liability throughout Orissa. He has also been transferred within the Region. He had no doubt given option for being posted at Angul H.O., Sambalpur H.O. and Keonjhar H.O., and admittedly the post of P.A., S.B.C.O., Angul H.O., is vacant. The respondents have pointed out that the post of Supervisor, S.B.C.O., Angul, was kept vacant previous year directing one P.A. to look after the work. But during the current year one Supervisor, S.B.C.O. has been allotted at the expense of one P.A., S.B.C.O. by the Circle Office. Therefore, the post of Supervisor, S.B.C.O., Angul H.O. has been filled up during the current year and vacancy in the post of P.A., S.B.C.O., Angul H.O. has been retained as an administrative expedience. These facts have been intimated to the applicant by the office of P.M.G., Sambalpur in his letter dated 18.6.2001 (Annexure-R/5). Respondents have also stated that with the computerisation of SBCO work, Supervisors have been engaged at certain places. This falls squarely within the domain of the departmental authorities. Moreover, the applicant simply by giving three choices cannot claim that he must be posted in a place of his choice. Therefore, the contention of the applicant that he should have been posted to Angul H.O. cannot be accepted.

4. The second point is regarding grouping of contiguous Head Post Offices for transfer of SBCO staff. This has apparently been done in Berhampur Region as it appears from Annexure-5 but has not been done in Sambalpur Region. This again is a matter for the departmental authorities and we cannot direct the departmental authorities to take up the exercise of grouping Head Post Offices for transfer of SBCO staff. The applicant has in the meantime been relieved from the post of P.A., SBCO, Dhenkanal H.O. and is currently on leave. It was submitted by the learned Additional Standing Counsel for the respondents that as the applicant did not join the post of P.A., SBCO, Sundargarh H.O. and that post cannot be kept vacant indefinitely, in the exigencies of work that post has been filled up. In view of this, the prayer of the applicant to quash the order of his transfer to Sundargarh H.O. has become infructuous. In view of this we dispose of the O.A. by giving a direction to the respondents that the applicant may be given a fresh posting within a period of 20 (twenty) days from the date of receipt of copy of this order and while giving such posting the instructions of Director-General, Posts, in his letter dated 2.3.2000 (Annexure-4) should be kept in view.

5. In the result, the O.A. is disposed of with observation and direction above. No costs.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

(SOMNATH SOM)

28.8.2001  
VICE-CHAIRMAN