



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 226 of 2004
Applicant (s) P. K. Padhi Respondent (s) Unknown of Andhra
Advocate for Applicant (s) Mr. P. K. Padhi Advocate for Respondent (s).....

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O. 2 B5012 2nd For Registrars,</p> <p><i>Jh</i> 31/5/04</p> <p><i>DR</i> 31/5/04</p> <p>Registrar 31/5/04</p> <p><i>3.</i> 31/5/04</p> <p>For Admonition & stay Copy served.</p> <p><i>h</i> 31/5/04</p> <p><i>Bew</i></p>	<p>REGISTER</p> <p><i>31/5/04</i></p> <p><u>1. ORDER DATED 31.05.2004.</u></p> <p>On being mentioned this matter is taken up today.</p> <p>Heard Mr. Pravot K. Padhi, Learned Counsel for the Applicant and Mr. Sarbeswar Behera, learned Additional Standing Counsel representing for the Union of India; on whom a copy of this Original Application has already been served.</p> <p>Applicant, Pitabas Sahoo (a member</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free
Copies of order issued
to counsel for both sides.

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Re: Copies of order alongwith
Copies of OA issued to
all resp'ts by post.

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8/11/04

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of the Postal Assistant Cadre) was posted as Sub Post Master of Anugul Bazar Sub Post Office with effect from 10.12.2003. He, having faced an order of transfer to Anugul Head Post Office (in ^{the} ~~his~~ capacity of Postal Assistant) has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order of transfer under Annexure-4 dated 18th May, 2004. Applicant has relied upon Rule 60 of Postal Manual Vol. IV to state that he should have been allowed to continue at Anugul Bazar Sub post Office at least for four years; and, in no circumstances, he should have been disturbed from the said post of Sub Post Master of Anugul Bazar SO within six months. Being aggrieved by the impugned transfer order dated 18.5.2004, the applicant has also furnished representations to his authorities under Annexures-A/5 dated 25.5.04 and under Annexure-6 dated 29.5.2004. It is also the case of the applicant that in order to accommodate the Respondent No.4 at Anugul Bazar, SO, the authorities have disturbed him (Applicant). If that is so, then transfer of Applicant, in order to accommodate Respondent No.4, would amount to a mala fide exercise of power. Without entering into the merits of this case, this Original Application is disposed of with direction to the Respondents (especially, to the Respondent No.2) to redress the

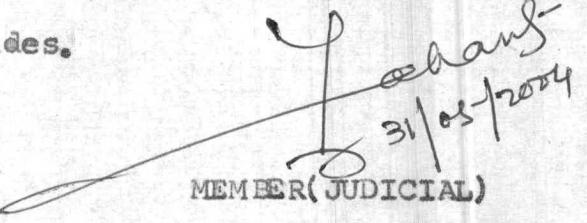
grievances of the Applicant as raised in his representations under Annexures-A/5 and A/6, and the averments made in the present Original Application and, while doing so, the Respondents should keep in mind the departmental instructions including that of Rule-60 of Postal Manual Vol. IV. They should also keep in mind that Respondent No. 4 is junior to the Applicant in Postal Assistant cadre.

While remitting back this matter to the Respondents, liberty is hereby granted to the Applicant to pray for a personal hearing and, if such a prayer is made, the Respondents (especially, the Respondent No. 2) should give the Applicant a chance to ventilate his grievances in person. The Respondents should give consideration to the grievances of the Applicant by the end of June, 2004 and, until such redressals are made, the transfer of the Applicant from Anugul Bazar SO to Anugul Head Post Office (as ordered under Annexure-A/4 dated 18.5.2004) shall remain stayed. As a consequence, the transfer of Respondent No. 4 under Annexure-A/7 dated 18.5.2004 shall not be given effect to.

With the aforesaid observations and directions, this Original Application is disposed of at the admission stage.

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8 Send copies of this order, alongwith
copies of the Original Application, to the Respondents
and free copies of this order be given to learned
counsel for both sides.


MEMBER(JUDICIAL)

Copies of order
Dt 31.5.04 issued
to counsel for
both sides.


31/5/04.