

O.A. No. 306 of 2008

Order dated: 08.09.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Heard Mr. D.P. Dhalsamant, Ld. Counsel appearing for the applicant and Mr. S. Mishra, Ld. Additional Standing Counsel for the Respondents.

2. The applicant filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that a direction may be issued to Respondent No.2 for posting him as the Postal Assistant, Balikuda Sub-Office, a station of his choice. As per the averments, it is stated that the applicant is in financial trouble and he wants to be posted in the station of his request. He has already filed representation to the Superintendent of Postal, which was recommended by him to the higher authorities. However, as per Annexure-A/6, it is answered that his request has been not acceded to by the DPS(HQrs) Bhubaneswar. In the above circumstances, the applicant files this application.

3. After going through the averments and on hearing the Ld. Counsel for the applicant, we are of the view that the jurisdiction of this Tribunal under Section 19 of the Central Administrative Tribunals Act cannot be exercised for such directions unless it is proved that the applicant is entitled for such direction as per law. Unless and until a statutory duty is cast on such authorities, this Tribunal is

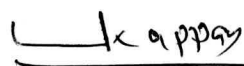


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reluctant to issue such directions. However, the Ld. Counsel for the applicant now submits that the applicant will be satisfied if this Tribunal sympathetically considers the request made on the basis of Annexure-A/5 representation addressed to the Chief Post Master General, Orissa Circle, Bhubaneswar. On going through Annexure-A/5, we see that the applicant had taken some grounds to make such request. After considering the request of the Ld. Counsel for the applicant, we are of the view that without considering any of the merits of the grievances narrated in Annexure-A/5, it is only proper for this Tribunal to give a direction to the Chief Post Master General, Orissa Circle to consider this above application under Annexure-A/5 and to pass appropriate orders thereon within 30 days of the receipt of the copy of this order. As this order is passed without notice to the other side and without giving copy of the Original Application, the applicant is directed to produce a copy of this order and Original Application, along with Annexure-A/5 application, before the Respondents for information and compliance as ordered by this Tribunal. Ordered accordingly.

4. The O.A. is accordingly disposed at the admission stage itself without any order as to costs.

  
MEMBER (A)

  
MEMBER (J)

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