

ORDER DATED 19th FEBRUARY, 2008

Coram:

Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Applicant, after serving for a longer period at Nuagoan Sub-Post Office, represented to be posted at Nayagarh for the reason of personal difficulties like self illness and wife's illness. It appears they wanted to be at District Head Quarters for better medical treatment. In consideration of the said representation the Applicant was transferred/posted at Nayagarh and, since the said transfer/posting was on his own representation, the Applicant was not granted T.A and other transfer benefits. Within one and half years of his posting at Nayagarh Head Post Office, the Applicant has been transferred from Nayagarh Head Post Office to Khandapara Sub-Post Office vide order dated 13.08.07. His repeated representation having been turned down (without disclosing any reason therein) the Applicant has approached this Tribunal with the present O.A filed under Section 19 of the Administrative Tribunal's Act, 1985.

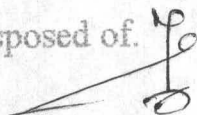
2. It is the positive case of the Applicant that, while not disturbing similarly placed persons for years together, the Applicant has been asked to face the transfer within one and half years of his posting at Nayagarh in gross disregard to the transfer guidelines. Transfer guidelines; although executive instructions; should be respected by the Departmental Authorities and they should follow the same in order to minimise the grievances of the Govt. Servant No doubt "who will be posted where" is within the domain of the

4

authorities in control of the matter and certainly this Tribunal, not being an Appellate Authority, should not interfere in the matter, At the same time, the executive authority (who are in control of the matter) should act rationally and should see that discretion is exercised in most scientific manner in order to minimize the heartburning among the rank and file the Government servant. It has been pointed out by Mr. P.K. Padhi, Ld. Counsel appearing for the Applicant that the Applicant had submitted a representation to the CPMG (Respondent No.2) on 19.11.07; which has not yet been disposed of and whatever representation ^{were} ~~is~~ disposed of, those were cryptic orders without disclosing any reason.

3. Having heard Mr. P.K. Padhi, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Union of India (on whom a copy of this Original Application has already been served), without entering in to the merits of this case, this matter is remitted back to the CPMG, Orissa, Bhubaneswar (Respondent No.2) to reconsider the matter (pertaining to the grievances of the Applicant) and pass a reasoned order within a period of 30 days from the date of receipt of the copy of this order. Applicant, at the same time is given liberty to put up an exhaustive representation (to the Respondent No.2, within 7 days from now) which should also be taken into consideration by the Respondent No.2

4. With the above observation and direction this O.A. is disposed of.



5. Send copies of this order to the Respondents (along with copies of the present O.A) and free copies of this order be also given to Mr. P.K. Padhi, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Union of India.


VICE-CHAIRMAN