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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.555 of 2010

Cuttack, this the 23rd day of September, 2010

C O R A M

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN (J)

AND

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

Sri Rudranarayan Mohanty, aged about 43 years, Son of Sri Ambika Charan Mohanty resident of Village Patana, Post- Jharakata, Via-Bentakara, Dist. Cuttack presently working as Sub Post Master of Rameswar Sub Post Office, At/Po. Rameswar, Dist. Cuttack, Orissa, PIN 754 201. **Applicant**

By legal practitioner: M/s. P.K.Padhi, M.P.J.Ray, J. Mishra, K.Sharma, Counsel
-Versus-

1. Union of India represented through its Chief Postmaster General, Orissa Circle, At/Po. Bhubaneswar, Dist. Khurda, 751 001.
2. Director of Postal Services (Hqrs.), O/O. Chief Postmaster General, Orissa Circle, At/Po.Bhubaneswar, Dist. Khurda 751 001.
3. Superintendent of Post Offices, Cuttack South Division, At-P.K.Parija Marg, Po-Cuttack GPO, Dist. Cuttack, 753 001 **Respondents**

By legal practitioner: Mr. U.B.Mohapatra, SSC.

O R D E R

MR. C.R.MOHAPATRA, MEMBER(ADMN.):

On being mentioned by Mr. P.K.Padhi, Learned Counsel appearing for the Applicant in presence of Mr.U.B.Mohapatra, Learned Senior Standing Counsel of the Union of India (on whom copy of this OA has been served), this matter is taken up today. Heard both of them at length and perused the materials placed on record.

2. In this Original Application filed under section 19 of the A.T. Act, 1985, the Applicant challenges his order of transfer under Annexure-A/3 dated 20.09.2010 posting him in his present capacity as PA to Tirtol SO. It is the stand of the Applicant that in the year 1997 he was promoted and post of Postman from EDMC and consequently on 1.4.2006 he was posted as PA in Chhatia SO. Within a short span of his posting as PA in Chhatia SO, vide order dated 2.5.2008 he was transferred and posted to Jagatsinghpur HO. He challenged the said order of his transfer. On the strength of the interim order passed by this Tribunal he was continuing in the said post. However, this

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Tribunal dismissed the Original Application earlier filed by the Applicant challenging his order of transfer to Jagatinghpur on 22.01.2010. Thereafter, instead of Jagatsinghpur the Department vide order dated 22.1.2010 posted him at Rameswar in which place/post the applicant joined on 1.4.2010. Within a span of six months he has again been transferred and posted to Tirtol SO vide order under Annexure-A/3 dated 20.09.2010. Applicant by making representation dated 22.09.2010 (Annexure-A/4) has sought cancellation of his order of transfer on various grounds, frequent and unscheduled is one of them. Accordingly, Learned Counsel for the Applicant while praying for issuance of notice to the Respondents, insists for staying his order of transfer as he has not yet been relieved from post.

3. Mr. Mohapatra, Learned SSC appearing for the Respondents opposed to such contention of the Learned Counsel for Applicant on the ground that transfer being an incidence of service and the applicant having been transferred and posted to Tirtol SO in public interest/administrative exigency, this Tribunal should not entertain this OA; especially for the reason that the applicant submitted representation only on 22.9.2010 and before expiry of the statutory period of six months, he has approached this Tribunal.

4. We have given our thoughtful consideration to the submissions made by parties. We are in agreement with the Learned SSC that since the applicant has submitted representation on 22.9.2010 and approached this Tribunal on 23.09.2010, the OA is premature one and that transfer being an incidence of service, the applicant cannot raise objection when it has been made in public interest. At the same time we may record that the applicant has approached his authority for cancellation of the present order of transfer on various grounds mentioned therein. According to us, when he has submitted

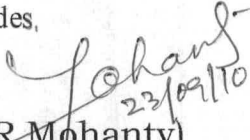
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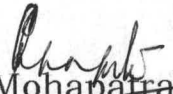
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representation he has a right to know the result thereof in compliance with the principles of natural justice.

5. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to consider the representation of the applicant as submitted by him under Annexure-A/4 and intimate the result thereof in a reasoned order to the applicant within a period of fifteen days hence. Till such consideration is given the order of transfer of the applicant shall be kept in abeyance.

Send copies of this order along with OA to the Respondent No.2 and free copies of this order be made available to Learned Counsel for both sides,


(M.R. Mohanty)
Vice-Chairman(J)


(C.R. Mohapatra)
Member(Admn.)