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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.618 of 2010

Banambar Sethi Applicant
Versus
Union of India & Others Respondents
.....

1. Order dated: 07.10.2010.

CORAM:

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

On being mentioned by Mr.D.K.Mohanty, Learned Counsel for the Applicant in presence of Mr.Suvasis Mishra, Learned ASC for the Union of India; on whom copy of this OA has already been served, this matter has been taken up today.

Applicant (Banambar Sethi) working as Inspector of Posts, Malkanagiri by filing this Original Application under section 19 of the A.T. Act, 1985 challenges the order under Annexure-A/3 dated 23.09.2010 transferring/posting him as IPO (PG), in the Office of the Senior Superintendent of Post Offices, Koraput Division, Jeypore (K) and keeping Shri R.K.Pradhan, ASPO (OD) Koraput Division as in charge of the Malkangiri Sub Division in addition to his own duty until further orders and prays to quash the same on various grounds mentioned in this Original Application.

Heard Learned Counsel for both sides and perused the materials placed on record. Mr.Mishra, Learned ASC appearing for the Respondents vehemently objected to the contention of the Applicant on the ground transfer being an incidence of service this Tribunal should not interfere in the order of transfer. Considered the submissions put forth by the Learned Counsel for both sides. It is seen that after receipt of the order under Annexure-A/3 through

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representation under Annexure-A/4 dated 25.09.2010 applicant requested as under:

"I acknowledge receipt of Memo No.B/G-17/Ch-IV dated 23.09.2010 from Sri R.K.Pradhan, ASP (OD) on dated 25.09.2010I face absolutely inconvenience to make over charge at once.

The order issued by the Learned SSPOs on the ground of the verbal orders of PMG, Berhampur Region, seems to be indiscriminated since it does not come under the purview of statutory transfer guidelines issued by the Government of India.

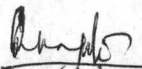
However, I may kindly be allowed at least 2 (two) months time to get myself ready to hand over detailed charge of Malkangiri Sub Division maintaining usual formalities.

And for which act of your kindness I will remain ever grateful to you".

(Emphasis supplied)

In view of the above, I find that the prayer of the applicant to defer his relieve by two months is genuine. Hence without keeping this matter pending, as agreed to by Learned Counsel for both sides, this OA is disposed of at this admission stage with direction to the Respondents to keep the order under Annexure-A/3 dated 23.09.2010 in abeyance for a period of two months,

Send copies of this order along with OA to the Respondent No.3 for compliance and free copies of this order be given to Learned Counsel for both sides.


Member (Admn.)