

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 675 of 2010

Cuttack, this the 2nd day of November, 2010

Arya Rachamala Applicant
Versus
Union of India & Ors. Respondents

CORAM:

THE HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

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On being mentioned by Mr. N.R.Routray, Learned Counsel for
the Applicant this OA was taken up for consideration today.

The order of transfer under Annexure-A/3 dated 29.10.2010 of the Applicant from the post of SPM Jeypore (K) Fort SO to Jeypore (K) HO and posting the Respondent No.4 in the place of the applicant from Jypore (K) RS(Relieved) has been assailed by the Applicant in this Original Application filed under section 19 of the A.T. Act, 1985 with prayer to quash the said order of transfer under Annexure-A/3 and/or to direct the Respondents either he be allowed to stay back at Jeypore (K) Fort or be transferred to Koraput HO with TA/TP as pr his expression of willingness. Mr.U.B.Mohapatra, Learned SSC for the Union of India received copy of this OA in advance for and on behalf of the Respondents and present in court. Heard Learned Counsel for the Applicant and Mr.Mohapatra, Learned SSC appearing for the Respondents and perused the materials placed on record. It was submitted by Learned Counsel for the Applicant that his children are studying in a school situated nearer to his present place of posting. The distance between his present posting and to the place where he is transferred being 10 KMs it would be difficult on the part of his children to attend the classes every day. Further it was contended by Learned Counsel for the Applicant that no TA/TP has been allowed to him to undertake the transfer. Mr. Mohapatra, Learned SSC vehemently objected to the challenge made in

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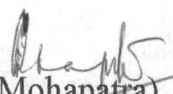
this OA on various grounds but I do not intend to place those submissions to record as though several points were advanced by Learned Counsel for the Applicant to brand his order of transfer illegal and *mala fide* I find no substance in any of the submissions of Learned Counsel for the Applicant so as to render his order of transfer as bad in law. However it was submitted by Mr. Mohapatra, Learned SSC that no such application for grant of TA/TP has been made by the applicant till date. If such claim is submitted by the applicant the same will be examined with reference to the rules and if the applicant will be entitled to any TA/TP that will be sanctioned in his favour. But on that ground the applicant cannot challenge his order of transfer to be bad in any manner. As drowning man catching a straw, it was contended by Learned Counsel for the Applicant that by stating his difficulties to be caused in case the present order of transfer is executed, he has made representation to the Chief Postmaster General, Orissa Circle, Bhubaneswar under Annexure-A/4 which has not yet been disposed of and at least till a decision is taken on his representation he may be allowed to continue where he is continuing. There is no information available with Mr. Mohapatra, Learned SSC as to whether Respondent No.4 on being relieved from his post has joined in his new place of posting i.e. in the place of applicant and whether the applicant has meanwhile been relieved. In absence of such concrete information it would be unjust to pass any such blanket order of stay. However considering the submission of Learned Counsel for both sides, Respondent No.1 with whom, according to the Applicant representation made under Annexure-A/4 is still pending consideration, is directed to consider and dispose of the same within a period of seven days hence and communicate the decision in a reasoned order to the Applicant. Till such time status quo of the Applicant as on the date shall be maintained.

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2. In the result, with the discussions made above, this OA stands disposed of at this admission stage.

3. Send copies of this order along with OA to the Respondent No.1 forthwith at the cost of the Applicant for compliance. Learned Counsel for the Applicant undertakes to deposit the postal requisites with the Registry today.


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