

CORAM:

HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

AND

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

.....

Order dated 29th April 2009

The applicant by placing reliance on some orders of the Central Administrative Tribunal, Jodhpur Bench and Madras Bench, challenges the transfer order dated 15.4.2009. The other ground urged in the O.A. is that the applicant has to retire within one and half years and hence if he is transferred at this time, it may affect his entire service career. The next ground urged in the O.A. is that he had chosen some places for his transfer, but that was not considered by the Respondents in time. Further, it is averred in the O.A. that there are postal employees continuing in the same Division, having 15 to 20 years of service at the same station. The applicant has submitted that he has been discriminated against by the present transfer order and that too, at the fag-end of his service career. It is also urged in the O.A. that the place of transfer is at a distance of 160 K.M. from his residence.

2. We have heard Shri P.K.Padhi, the learned counsel for the applicant and Shri U.B.Mohapatra, learned Senior Standing Counsel, who on notice appears for and on behalf of the Respondents. We have also perused all the documents and orders of the CAT, Jodhpur Bench and Madras Bench relied on by the applicant.

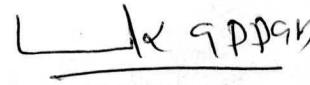
3. Admittedly, the applicant has completed his tenure. The only question to be answered by us is regarding his retirement within one and half years. This question cannot be considered by us at this time. However, this can be considered only by the authorities if the applicant

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has already represented to the Respondents by filing a representation. In this context, we see that the applicant has already filed Annexure A/3 representation dated 18.4.2009 to the Chief Post Master General, Orissa Circle, Bhubaneswar. In the above circumstances, we see that this question now raised by the applicant can be considered by the Chief Post Master General, Orissa Circle, Bhubaneswar (Respondent No.1) within a reasonable time. Without considering the questions raised by the applicant in the O.A., we are disposing of this O.A. directing the first Respondent to consider Annexure A/3 representation dated 18.4.2009 within a reasonable time at any rate within fifteen days of receipt of copy of this order. It is, however, made clear that till a final decision is taken by the first Respondent on Annexure A/3 as aforesaid, the transfer order with regard to the applicant shall be kept in abeyance.

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

  
(C.R.MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K.THANKAPPAN)  
JUDICIAL MEMBER