

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.112 of 2011  
Cuttack, this the 17<sup>th</sup> day of January, 2012

CORAM  
**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**  
**HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)**

Sri Jitendriya Panigrahi,  
Aged about 33 years,  
Son of Jugal Kishore Panigrahi,  
M-II-68,  
Kumar Bihar,  
Post-Patia,  
Bhubaneswar-31,  
Working as Junior Engineer,  
Postal Civil Sub Division,  
Bhubaneswar.

....Applicant  
(By Advocates :M/s.B.Routray,D.K.Mohapatra,S.Das,D.Routray,  
S.Jena,P.K.Sahoo,B.P.Dalai)

-VERSUS-

Union of India represented through –

1. Secretary,  
Ministry of Telecommunication (IT),  
Dak Bhawan,  
Sansad Marg,  
New Delhi.
2. Chief Engineer,  
Dak Bhawan,  
Sansad Marg,  
New Delhi-1
3. Superintending Engineer (HQ),  
Dak Bhawan,  
Sansad Marg,  
New Delhi-1.
4. Superintending Engineer,  
Postal Civil Circle,  
6<sup>th</sup> Floor,  
Meghdoot Bhawan,  
GPO Compound,

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Patna-1

5. Executive Engineer,  
Postal Division,  
Professorpara,  
Cuttack-3.
6. Asst. Engineer,  
Postal Civil Sub Division,  
Bhubaneswar-1,  
Dist. Khurda.
7. Asst. Engineer,  
Postal Civil Sub Division,  
Sambalpur-1,  
At/Po/Dist.Sambalpur.

.....Respondents

(By Advocate : Mr.U.B.Mohapatra)

**O R D E R (oral)****A.K.PATNAIK, MEMBER (J):**

Applicant, a physically handicapped person, on his own request was transferred to Postal Civil Sub Division, Bhubaneswar w.e.f. 18.8.2008. The grievance of the applicant is that though he was continuing as such he received an order of transfer dated 15.02.2011 at Annexure-8 transferring him from Postal Civil Sub Division, Bhubaneswar to Postal Civil Sub Division, Sambalpur as against existing vacant post before completion <sup>of</sup> ~~of~~ his tenure in his present place of posting. Hence by filing the instant OA he has sought to quash the said order of transfer at Annexure-8 and to direct the Respondents to allow him to continue as Junior Engineer (Civil ) in the Postal (Civil) Sub Division, Bhubaneswar till completion of his tenure fixed in the guidelines of the Department at Annexure10. By way of ~~and~~ interim relief he has prayed stay of the operation of his order of transfer at Annexure-8 till disposal of this OA.




2. In Annexure-10 the post and station tenure has been provided as four and six years respectively with stipulation that the tenure of officers/officials working on sensitive posts does not under any circumstances exceed four years and in the said guidelines all the posts in the Civil Wing except SE (C) Hq., SE (P&D), EE (P&D) and AE (Planning) have been declared as sensitive. From the above, it is established that the post in which the applicant has been working is a sensitive post.

3. The Respondents have filed their counter objecting to the prayer of the applicant to which the Applicant has filed his rejoinder.

4. We have heard Mr.D.K.Mohapatra, Learned Counsel for the Applicant and Mr. U.B.Mohapatra, Learned Senior Standing Counsel appearing for the Respondents.

5. Admitted the applicant was transferred and posted to Postal Civil Sub Division, Bhubaneswar w.e.f. 18.8.2008. His prayer in this OA is to quash the order of transfer at Annexure-8 and to direct the Respondents to allow him to continue in his present place of posting till completion of his tenure of four years. <sup>As</sup> ~~As~~ the applicant is holding a sensitive post his continuance in his present post/place in no circumstances should exceed beyond four years as per Annexure-10. This Tribunal while issuing notice, vide order dated 8.3.2011 kept the said order of transfer of the applicant at Annexure-8 in abeyance which has been continuing till date. By now his continuance in his present post/place has exceeded four years thereby rendering this OA as



infructuous as his prayer is to direct the Respondents to allow him to continue in his present post/posting till completion of his tenure.

6. In view of the discussions made above, this OA is dismissed being infructuous. Respondents are free to take action as per their guidelines at Annexure-10. No costs.

  
(R.C.Misra)

Member (Admn.)

  
(A.K.Patnaik)

Member (Judl.)

