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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00842 OF 2016
Cuttack, this the 30th day of November, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Sunil Kumar Rath,
aged about 51 years,
Son of Late Pitambar Rath,
presently continuing as Postal Assistant
at Phulbani Head Post Office,
At/PO-Phulbani, Dist-Khandhamal.

...Applicant

(By the Advocate - M/s. D. K. Mohanty, L. K. Mohanty, B. K. Jena)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India, Department of Post, At- Dak Bhawan, New Delhi.
2. Chief Post Master General, Odisha Circle, At-PMG Square, Bhubaneswar, District-Khurda.
3. Post Master General, Berhampur Region, At/PO-Berhampur, District-Ganjam, PIN-760001.
4. Superintendent of Post Office, Phulbani Division, At/PO-Phulbani, Dist-Khandhamal.

...Respondents

(By the Advocate - Mr. C.M.Singh)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Ld. Counsel for the Applicant, and Mr. C.M.Singh, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying the following relief:



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- a) The Original Application be allowed.
 - b) The Respondent No. 2 be directed to treat the application of the applicant of the year 2009 instead of 2016 as mention in the order dated 01.08.2016 under Annexure-A/6.
 - c) The respondent No. 2 be directed to consider the application of the applicant dated 25.05.2009 under Annexure-A/1 under Rule-38 of P & T Manual, Chapter-IV for transfer from Phulbani Division to Bhubaneswar Division.
 - d) The Respondent No. 2 be directed to consider the application of the applicant dated 25.05.2009 under Rule-38 and pass necessary order for transfer and posting to Bhubaneswar Division within a date to be fixed by this Hon'ble Tribunal.
 - e) And pass any order/orders as this Hon'ble Tribunal may think fit and proper."

3. The short facts of the case of the applicant are that he had joined the Postal Department as Postal Assistant on 21.11.1990 and was posted to Phulbani Division. The applicant belongs to the Village-Chakuleswar, PO-Kuspangi, Banki, of Cuttack Revenue District, and after the death of his parents, he represented to Respondent No.2 on 25.05.2009 under Rule-38 of P&T Manual for his transfer to Bhubaneswar Division. While the matter stood thus, on 15.07.2016 (Annexure-A/5) transfer order of 42 employees from one Division to another Division was issued by Respondent No.2 under Rule-38 of P&T Manual. However, with regard to the applicant's representation, the Respondent No.2 vide letter dated 01.08.2016 intimated the applicant that the same forwarded by Respondent No.3 was received by him only on 15.07.2016. On a RTI query, the applicant was supplied with a broad sheet relating to transfer under Rule-38 of P&T Manual in which his name finds place at Sl. No. 49 treating him to be an applicant of the year 2016. Being aggrieved, the applicant has filed this O.A. with the reliefs as aforesaid.

4. On being asked, whether the applicant after receipt of the information has ventilated his grievance before the appropriate authority, the



Ld. Counsel for the applicant prays liberty of this Tribunal to approach Respondent No.2 enclosing certain documents.

5. In view of the above submission made by the Ld. Counsel for the applicant, without going into the merit of the matter, I dispose this O.A. at this admission stage by granting liberty to the applicant to make a representation to Respondent No.2 along with the supporting documents within a period of 10 days from today. If such a representation is preferred within a period of 10 days from today then Respondent No.2 is directed to consider the said representation and pass a reasoned and speaking order as per rules and regulations in force and communicate the result thereof to the applicant within a period of two months from the date of receipt of a copy of this order. I make it clear that if after such consideration the applicant is found to be entitled to the benefits claimed by him then expeditious steps be taken within a further period of two months from the date of such consideration to extend that benefit to the applicant.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. Copy of this order along with paper book be communicated to Resp. No. 2 by Speed Post at the cost of the applicant for which Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.12.2016. Applicant is also at liberty to attach a copy of this order along with his representation.



(A.K.PATNAIK)
MEMBER (J)