

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00214 of 2015
Cuttack, this the 27th day of April, 2015

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

....

Harihar Pattnaik,
aged about 58 years,
S/o late Khali Pattnaik,
Vill./PO- Kansamari,
Via-Podamari, Dist. Ganjam
Presently serving as a Sub-Post Mawster,
Padmanavpur Sub-Post Office, Padmanavpur, Gm.

...Applicant

(Advocates: M/s. G.K.Behera, D.R.Mishra)

VERSUS

Union of India Represented through

1. Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist- Khurda.
3. Post Master General,
Berhampur Region,
Berhampur, Dist. Ganjam.
4. Sr. Superintendent of Post Offices,
Berhampur Division,
Berhampur (Gm.)-760001.
5. Nilanchal Dash,
Postal Assistant,
Parlakhemundi Head Post Office,
Parlakhemundi, Dist- Gajapati.

... Respondents

(Advocate: Mr. P.K.Mohanty)

.....



ORDER (ORAL)

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

Heard Mr. G.K.Behera, Learned Counsel for the Applicant, and Mr. P.K.Mohanty, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, 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 applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i) Hold/declare impugned Berhampur Division Memo No. B/G-35/Ch XXVI dtd. 07.04.2015 (Annexure-A/3) so far as the transfer and posting of the applicant to Parlakhemundi HO is bad and illegal:

(ii) Direct the Respondents to allow the applicant to continue in his present place of posting i.e. Padmanavpur SO;

(iii) And pass any such other order.....”

3. The case of the applicant in nutshell is that after regular transfer and posting he has been serving as SPM, Padmanavpur since 05.08.2013. However, by a memo dated 07.04.2015, he has been transferred and posted as PA, Parlakhemundi HO. Mr. Behera, Ld. Counsel for the applicant, submitted that applicant is due to retire from service on 31.01.2017 on attaining the age of superannuation and at his far end of retirement he has been subjected to the transfer. He further submitted that the applicant made representation to Respondent Nos. 3 and 4 on 16.04.2013 vide Annexure-A/4 and having received no response till date, applicant has filed this O.A. with the aforesaid reliefs.

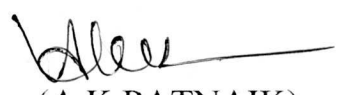
4. Taking into account the submission made by Mr. Behera, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent Nos. 3 and 4 to consider and dispose of the representation dated 16.04.2013 vide Annexure-A/4, if



the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant within a period of 30 days from the date of receipt of a copy of this order. It is made clear that till the representation is considered and result communicated to the applicant status quo as on date so far as continuance of the applicant is concerned shall be maintained. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Behera, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 30.04.2015. Free copy of this order be also made over to Mr. Mohanty, Ld. ACGSC.


(A.K.PATNAIK)
MEMBER(Judl.)