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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00302 of 2015
Cuttack, this the 3rd day of June, 2015

**CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

Rabindra Danasana,
aged about 57 years,
S/o Sri Bisweswara Danasana,
At/PO/PS- Dengibhadi, Dist- Sundargarh,
Presently working as Postal Asst.
Sundargarh Head Office, Sundargarh, Pin 770001.

...Applicant

(Advocates: M/s. S.K.Ojha, S.K.Nayak)

VERSUS

Union of India Represented through its

1. Director General,
Department of Posts, Govt. of India,
Dak Bhawan, New Delhi.
2. Postmaster General,
Sambalpur Region, Sambalpur,
Pin 768001.
3. Senior Supt. of Post Offices,
Sundargarh Division,
At/PO/Dist- Sundargarh,
Pin 770001.

... Respondents

(Advocate: Mr. S.B.Mohanty)

ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. S.B.Mohanty, Ld. Addl. Central Govt. Standing Counsel for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. Applicant is a Postal Assistant, Sundargarh Head Office, who has been transferred as SPM, Ranibandha, S.O. vide order dated 23.04.2015 of the Sr. Suptd. of Post Offices, Sundargarh Division (Respondent No.3). He has, therefore, made a prayer for quashing this order of transfer on the ground that his wife is an employee of the Education Department under the State Govt. of Orissa being posted at Sebatibahal, which is only 4 Kms. away from Sundargarh. Relying upon the DOP&T Office Memorandum dated 30.09.2009 Mr. Ojha has pleaded that there is a provision in this O.M. that where one spouse is employed under the Central Govt. and the other spouse is employed under the State Govt. the spouse employed under the Central Govt. may apply to the competent authority and the competent authority may post the said officer to the station or if there is no post in that station to the State where the other spouse is posted. Mr. Ojha has, therefore, submitted that the provisions in this regard made by the Central Govt. are liberal in order to allow the family to stay together. It has been further submitted that the applicant has made a representation to the Sr. Suptd. of Post Offices, Sundargarh Division (Respondent No.3) in which he has made a prayer for reconsideration of the transfer order and his reposting to Sundargarh H.O. This representation is dated 25.04.2015 which has been annexed to the O.A. as Annexure-A/4. Applicant has submitted that he has been posted to Ranibandha S.O. which is 70 Kms. away from his present place of posting. As per the Govt. of Orissa guidelines also, his wife cannot be transferred to this place since this falls in a different education district. It is further submitted by the Ld. Counsel that at present posts are lying vacant in the headquarters office at Sundargarh as disclosed at Annexure-A/2 and, therefore, the Respondent authorities can give due consideration and repost the applicant to Sundargarh or to a place which is nearby.



3. I have considered the submissions made by the Ld. Counsel for both the sides. It appears that after the order of transfer was issued, applicant has made a representation to the authorities which is still pending for disposal. Therefore, without going into the merits of the matter, I direct the Sr. Suptd. of Post Offices, Sundargarh Division (Respondent No.3) to dispose of the present representation dated 25.04.2015, if it has been received and is pending at his level, with reasoned and speaking order and communicate the decision thereon to the applicant within a period of three weeks from the date of receipt of this order.

4. Meanwhile *status quo* in respect for the applicant shall be maintained.

5. With the aforesaid observation and direction this O.A. stands disposed of.

6. On the prayer made by Mr. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites during the course of the day.



(R.C.MISRA)
MEMBER(Admn.)