

17

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00584 of 2015
Cuttack, this the 3rd day of September, 2015

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

.....

Sudhansu Sekhar Dash,
aged about 42 years,
S/o Late Ashok Dash,
At- Matiapada, PO- Puri-2,
Dist- Puri -752002, Ex-SPM, Chandanpur S.O.
now under the order of transfer to Brahmagiri S.O. as P.A.

...Applicant

(Advocates: M/s. P.R.J.Dash, M.P.J.Ray)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Director of Postal Services (HQRs),
O/o Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist- Khurda-751001.
3. Sr. Superintendent of Post Offices,
Puri Division,
At/PO/Dist- Puri -752001.
4. Arun Kumar Parida,
SPM Chandanpur S.O.,
At/PO-Chandanpur, Dist-Puri.

... Respondents

(Advocate: Mr. S. Behera)

.....

S. Behera

ORDER (ORAL)**A.K.PATNAIK, MEMBER (JUDL.):**

Heard Mr. P.R.J.Dash, Ld. Counsel for the Applicant, and Mr. S. Behera, Ld. Sr. Central Govt. Panel 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 applicant challenging the memo dated 05.08.2015 (iii) passed by Respondent No.3 in which the applicant has been transferred as P.A. to Brahmagiri S.O., which is after two months of his earlier transfer, with stigma and without affording any opportunity of being heard and thereby violating the Govt. of India instruction with regard to transfer and posting. Mr. Dash submitted that earlier on 26.12.2014 the applicant was asked to give his option for transfer to any place and in response to the said option the applicant made his representation on 09.01.2015 stating his preferential place of posting and on 10.04.2015 Respondent No. 3 issued the order of transfer vide Annexure-A/3 in which the applicant was transferred as SPM, Chandanpur S.O. In obedience to the said order under Annexure-A/3, the applicant joined as SPM, Chandanpur S.O. on 03.06.2015. An explanation was sought from the applicant on 21.07.2015, which was replied to by him on 28.07.2015. Mr. Dash submitted that while the position continued as such, Respondent No.4 asked the applicant to handover the charge of SPM, Chandanpur vide order dated 06.08.2015 and the applicant after receipt of such order of transfer made representation to Director of Postal Services (Respondent No.2) on 17.08.2015. Mr. Dash submitted that as the applicant has been transferred with a stigma that's too without any opportunity of being heard barely after



two months from the last transfer, a direction may be issued to the Respondent-authorities to post him in any nearby place.

3. As we find that the applicant has made a representation to Respondent No.2 ventilating his grievance, we are of the considered view that it is for the Respondent No.2 to first consider and decide on the grievance of the applicant following the rules and regulations and take a view. Therefore, instead of keeping the matter pending before us, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider all the points raised by the applicant in his representation dated 17.08.2015 and dispose of the same as per rules and law in force, if the same has been filed and is still pending consideration, communicating the same to the applicant within a period of three months from the date of receipt of a copy of this order. Though we have not expressed any opinion on the merit of the matter and all the points raised by the applicant are kept open to be considered by the Respondent No.2, still then we hope and trust that while deciding the case of the applicant authorities will keep in mind the last transfer order of the applicant only two months back. However, we make it clear that authorities may consider the case of the applicant in any nearby place of posting before stipulated period also.

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

5. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to

W.L.L.

Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 04.09.2015.

6. Free copy of this order be given to Mr. Behera, Ld. Sr.CGPC,
subject to filing of his power.


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


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

RK

