



CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH:

CUTTACK

O.A. No 260/0208/2016
Order dt. 25.04.16

In the matter of :

An application under section 19 of the Administrative Tribunal's Act, 1985.

And

In the matter of :

Kumari Subhashri Agasti, aged about 22 years,

D/O- Late Harekrushna Agasti, At/Po-Sirapur

Via-Chakbarapur, P.S-Soro, Dist-Balasore, presently

working as GDSBPM Manipur BO under Balasore

Postal Division.

.....Applicant

-VS-

1. Union of India represented through its Secretary-cum-Director General (Posts), Dak Bhawan, New Delhi-110001
2. Chief PMG, Odisha Circle, At-Bhubaneswar, Po-Bhubaneswar GPO-751001, Dist-Khurdha
3. Supdt. of Post offices, Balasore Division, At/Po/Dist-Balasore-756001
4. Inspector of Posts, Soro Sub division

At/Po/PS - Soro, Dist-Balasore-

5. Pradheep Kumar Singh
S/O Rabintra Kumar Singh Respondents
At - Gopalpur, Po. Mahamukhan
Via - Soro MDG, Balasore - 756045

-Subhashree Agasti

Wll

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. T.Rath, Ld. Counsel appearing for the applicant.

Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel, submitted that he has entrusted the matter to Mr. B.P.Nayak, Ld. Addl. Central Govt. Standing Counsel, who is present in the court.

2. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:

“(a) To declare the posting of the applicant as GDSBPM at Manipur BO under Annexure-A/2 as ultra virus of DG post Circular dated 5.8.93 at Annexure-A/1 and quash the order under Annexure-A/6. And consequently direct the Respondents to allow the applicant to continue and perform the duty of GDSBPM Sirapur BO.

(b) Further direction be issued to the Respondent No.2 to act upon the mutual transfer request of the applicant and to post the applicant as GDSBPM Sirapur BO keeping in view the provisions contained under Annexure-A/1 by ignoring the condition of 3 years service as contained under Annexure-A/9.

(c) And pass appropriate orders.....”

3. The case of the applicant in a nutshell is that she was appointed as GDSBPM, Manipur BO in account with Turigadia SO on 12.02.2015 on compassionate ground on account of death of her father. However, on public interest, she was transferred to GDSBPM Sirapur BO in account with Chakbarapur, which post she joined on 31.03.2015. The grievance of the applicant is that, while the matter stood thus, without any rhyme or reason her transfer has been cancelled by the SDIP Soro on 04.04.2015 (Annexure-A/6). Mr. Rath, Ld. Counsel for the applicant, submitted that putting forth her grievance, the applicant, along with the present GDSBPM Sirapur BO, submitted a representation on 10.04.2015 for their mutual transfer before



Respondent No.2 vide Annexure-A/8 but till date no response has been communicated to the applicant.

4. Since the representation of the applicant dated 10.04.2015 (Annexure-A/8) is stated to be pending with Respondent No.2 instead of keeping the matter pending, without going into the merit of this case, we dispose of this O.A. at this admission stage with direction to the Respondent No. 2 to consider the representation, if at all made and pending with him, and communicate the result thereof to the applicant in a well reasoned order within a period of two months from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same keeping in mind the Rules and Regulations in force. I hope and trust that if after such consideration the applicant is found to be entitled to the relief claimed by her then expeditious steps be taken within a further period of three months from the date of such consideration to grant that benefit to the applicant. 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.

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

6. On the prayer made by Mr. Rath, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 27.04.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)