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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00216 of 2016
Cuttack, this the 18th day of April, 2016

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)

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K.Laxmidhar Patra,
aged about 47 years,
S/o Late K.Kashinath Patra,
Permanent resident of Sabulia,
Via- Rambha, Dist- Ganjam,
At present working as PA under the order of transfer
from IRC Village SO, Bhubaneswar to Nimapada MDG, SO,
Dist- Puri.

...Applicant

(Advocates: M/s. T.Rath, A.K.Rout)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General (Posts),
Dak Bhawan, New Delhi-110001.
2. Chief PMG,
Odisha Circle,
At/PO- Bhubaneswar GPO-751001,
Dist- Khurda.
3. Director Postal Services (HQ),
O/o CPMG Odisha Circle,
At/PO- Bhubaneswar GPO-751001,
Dist- Khurda.
4. Sr. Superintendent of Post Bhubaneswar,
At/PO- Bhubaneswar GPO-751001,
Dist- Khurda.
5. Sri Khageswar Mallik ex-ASP (OD)
At present working as ADM&BDt,
Circle Office Bhubaneswar,
At/Circle Office Bhubaneswar,
Po- Bhubaneswar GPO, Bhubaneswar.

... Respondents

(Advocate: Mr. S. Behera)

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ORDER (ORAL)

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

Heard Mr. T.Rath, 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 under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“i) Quash the part of the transfer order under Annexure-A/18, which relates to the applicant.

ii) Direct the Respondents to permit the applicant to perform his duty as PA in IRC Village SO. OR

iii) In the alternative while quashing the part of the order which relates to the applicant under Annexure-A/18, pass orders directing the Respondents to post the applicant in any vacant post of PA under the postal printing press, Bhubaneswar or at Bhubaneswar GPO as several posts of PA are lying vacant in both the establishment.

And/or pass any order.....”

3. The case of the applicant is that vide order dated 29.03.2016 under Annexure-A/18 transfer order of certain officials has been issued, in which his name finds place at Sl. No. 36. As per Annexure-A/18, the applicant has been transferred from his present place of posting, i.e. PA IRC Village SO, to join as PA, Nimapara MDG. In the said order of transfer, it has been mentioned that the officials at serial numbers 1, 4, 5, 6, 9, 11, 14, 19, 21, 22, 25, 26, 28, 29, 30, 31, 34, 35 and 36 will be relieved on office arrangement. Mr. Rath, Ld. Counsel for the applicant, submitted that the applicant has been subjected to frequent transfers in his service career. He further submitted that although the applicant ventilated his grievance by making several representations vide Annexure-A/19 series, the latest being on 06.04.2016, to Respondent No.3, the same are still



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pending consideration and till date he has not received any response from the said Respondent No.3 for which he has filed this O.A. Pointing out the critical illness of his wife, who is a cancer patient, and for taking care of his son, as an interim measure, he has prayed for a direction to the Respondents to allow him to perform his duty at IRC Village SO during the pendency of this O.A. or alternatively Respondents be directed as an interim measure to work in any vacant post of PA within Bhubaneswar nearer to any cancer Hospital.

4. Mr. S.Behera, Ld. Sr. CGPC, submitted that the applicant has already been relieved of his duties after the joining of his reliever to the post of PA Nimapara MDG. However, looking at Annexure-A/18 dated 29.03.2016, I am not convinced by the statement of Mr. Behera as no one has been posted in IRC Village SO as PA, i.e. in place of the applicant, and that's too when the order under Annexure-A/18 mentions that the officials at serial numbers 1, 4, 5, 6, 9, 11, 14, 19, 21, 22, 25, 26, 28, 29, 30, 31, 34, 35 and 36 will be relieved on office arrangement .

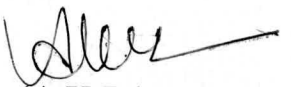
5. However, in view of the facts stated above that the representation of the applicant dated 06.04.2016 is stated to be pending, without going into the merit of the matter, I dispose of this O.A. with direction to the Respondent No.3 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of three months. Though, I have not gone into the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.3 to consider the same as per rules and regulations. I make it clear that the applicant will be allowed to continue at IRC Village SO as PA till 31.08.2016. If in the meantime the said



representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

7. 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. 3 by Speed Post for which he undertakes to file the postal requisites by 20.04.2016.


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

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