



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

O.A. No.260/00254 of 2016

Dated the 25.04.2016

In the matter of:

An application under Section-19 of the
Administrative Tribunals' Act, 1985;

A n d

In the matter of:

*Sri Ashit Kumar Nayak, aged about 47 years, son
of late Nirakar Nayak, permanent resident of Vill.
Kolalpur, P.O./P.S. Salipur, Dist. Cuttack,
presently working as Asst. Supt. of Post Offices,
Cuttack North Division, Cuttack.*

.... **Applicant**

-Vrs-

1. *Union of India represented through the Secretary
to Govt. of India, Ministry of Communications & IT,
Department of Posts, Dak Bhawan, Sansad Marg,
New Delhi-110001.*

2. *The Chief Postmaster General, Odisha Circle,
Bhubaneswar, At/Po-Bhubaneswar, Dist. Khurda,
PIN -751001.*

D. Mehta



3. The Superintendent of Post offices, Cuttack North Division, City Division Officer, Cantonment Road, Cuttack-753001.

4. Sri Bijaya Kumar Mishra, presently working as Asst. Supt. of Post offices (HQ), RMS 'N' Division, Cuttack-753001.

.....

Respondents

Bijaya

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.K.Ojha, Ld. Counsel appearing for the applicant.

Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel, submitted that he has entrusted the matter to Mr. A.C.Deo, 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:

“ (i) To quash Office order No. ST/24-15(2)/2015, dated at Bhubaneswar, the 19.04.2016 (Annex. A/5) so far as applicant is concerned holding that the same is illegal, arbitrary and opposing the subordinate legislation issued by way of transfer policy;

(ii) To direct the Respondent No.2 to allow the applicant to complete his tenure due to peculiar facts and circumstances;

(iii) To extend the consequential relief to the applicant and pass any other order.....”

3. While going through the record, we find that the applicant has approached this Tribunal without exhausting the departmental remedy available to him, i.e. without making any representation before the competent authority.

Section 20 of the Administrative Tribunals Act, 1985 (for short “the Act”), which have bearing on the issue of limitation read as under:

“20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available



to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

4. When the aforesaid fact was brought to the notice of Mr. Ojha, Ld. Counsel for the applicant, he prayed for leave of this Tribunal to make an exhaustive representation before the Chief Post Master General, Odisha Circle (Respondent No.2) within a period of 7 days. Applicant is allowed to make exhaustive representation before Respondent No.2 within a period of 7 days from today. If such a representation is preferred by the applicant within 7 days, then Respondent No.2 is directed to consider the same within a further period of three months. It is made clear that the applicant will be allowed at his present place of posting till 31.08.2016, if no reliever has come to join at the applicant's place.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

W.L.N.

6. Urgent copy of this order be given to Mr. Ojha as per rules.
Applicant is at liberty to annex a copy of this order along with his representation.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)

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