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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00465 OF 2016
Cuttack, this the 14th day of July, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)
HON'BLE MR. S.K. PATTNAIK, MEMBER (J)
.....

Sri Hemant Kumar Dash, aged about 56 years, S/o. Late Sibaram Dash, At-Rameswar Sahi, PO-Khalari, Via-Kulurisinga, Dist-Angul, now under transfer as Sub-Postmaster, Kankadahada Sub-Post Office, At/PO-Kankadahada, Dist-Angul.

...Applicant

By the Advocate – M/s. A. Tripathy, A.K. Beura.

-VERSUS-

Union of India Represented through

1. Director General of Posts, Dak Bhawan, New Delhi-110001.
2. Post Master General, Sambalpur Region, At/Po/Dist-Sambalpur.
3. Superintendent of Post Offices, Dhenkanal Division, At/Po/Dist-Dhenkanal.

...Respondents


By the Advocate- Mr. C.M. Singh

ORDER (Oral)

R.C.MISRA, MEMBER(A):


Heard Mr. A. Tripathy, Ld. Counsel appearing for the applicant and Mr. C.M. Singh, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Mr. Tripathy submitted that the applicant has been transferred from his present place of posting at Hulursingha SO to Kankadahad SO where he is to work in the same position as SPM. Mr. Tripathy pointed out that the applicant has some health problems for which it is not possible on his part to move to Kankadahad SO. On earlier occasion, he had given three options for his transfer, which the Respondents did not consider and by ignoring his present health condition, have transferred him to Kankadahad SO. The applicant had also made representation

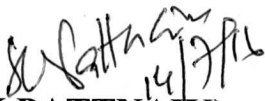


dated 10.06.2016(Annexure-A/8) to the Post Master General, Sambalpur Region (Respondent No.2). This representation has been disposed of by the Respondent No.2 and the result has been communicated by the Supdt. of Post Offices, Dhenkanal Division vide order dated 15.06.2016. On perusal of this order, we are of the opinion that it is highly a cryptic order which only mentions that ["]the competent authority has gone through your representation and your request for modification of transfer has not been acceded to by the authority.["]

3. We have perused the records, especially, the representation dated 10.06.2016(Annexure-A/8) submitted by the applicant vis-à-vis the order of rejection dated 15.06.2016 (Annexure-A/9) and considered the rival submission. It reveals that the applicant had raised many points in support of his relief; but the Respondents turned down the representation without considering any of the points raised therein. Therefore, we do not deem it a proper disposal of the representation in accordance with the rules on the subject.

4. Since the instant rejection order appears to be without any reason nor does it consider any of the points raised by the applicant in his representation, the same is liable to be struck down at the very threshold and therefore, we are not inclined to admit this O.A. ^{and} do not see any reason ² to keep this matter pending by way of inviting counter. Hence, Annexure-A/9 dated 15.06.2016 not being a reasoned order is quashed and the matter is remitted back to Respondent No.2 to reconsider the representation dated 10.06.2016(Annexure-A/8) in keeping with the extant rules and instructions and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of 30 days from the date of receipt of copy of this order. 

5. With the observation and direction as aforesaid, the O.A. is disposed of at the stage of admission itself. No costs.
6. On the prayer made by the learned counsel copy of this order along with paper book of O.A. be sent to Respondent No.2 at the cost of the applicant for which Mr. A. Tripathy, undertakes to file the postal requisites by 18.7.2016.
7. Free copy of this order be made over to learned counsel for both the sides.


(S.K.PATTNAIK)
MEMBER (J)


(R.C.MISRA)
MEMBER(A)

K.B.