

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. No. 260/00531 OF 2016  
Cuttack, this the 4<sup>th</sup> day of August, 2016

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

.....

Sri Radhakrushna Sahoo, aged about 56 years, S/o. late Padma Charan Sahoo, resident of Plot No.327/A, Rudrapur, P.O. Naharakanta, P.S. Baliantha, Dist.Khurda and presently working as Asst. Supdt. of Post Offices (Printing), Postal Store Depot, Bhubaneswar, Dist. Khurda-751007.

.....Applicant

By the Advocate(s)-M/s. S.K. Ojha, S.K. Nayak

-Versus-

**Union of India, represented through**

1. Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi-1.
2. The Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. The Superintendent, Postal Store Depot, Bhubaneswar, Dist. Khurda-751007.
4. Smt. Arunbala Mohanty, Asst. Supdt. of Post Offices (HQ), Bhubaneswar Division, Bhubaneswar-751001.

.....Respondents

By the Advocate(s)- Mr. A.K. Mohapatra

**O R D E R(Oral)**

**A.K.PATNAIK, MEMBER (J):**

Heard Mr. S.K. Ojha, Ld. Counsel appearing for the applicant and Mr. A.K. Mohapatra, Ld. ACGSC appearing for the Respondent-Railways, 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 against the Office order No.ST/24-15(2)/201216, dated 01.08.16 basing on which the applicant once again is transferred to Sambalpur region irrespective of fact that he has only joined in the present place on 15.04.16 on being transferred from Berhampur Region to Bhubaneswar, the applicant was inflicted with the punishment of stoppage of one increment in the recent past vide office order dated 22.07.2016 and the present order of transfer only after eight days is nothing but a further penalty which amounts to double jeopardy. Mr. Ojha by drawing our attention to the order of transfer dated 01.08.16 (Annexure-A/4) submitted that three

*[Signature]*

different persons were accommodated in Bhubaneswar Region by internal arrangement whereas the applicant ~~has~~ transferred within a period of three months. Mr. Ojha by bringing to our notice the order of transfer of the applicant from Berhampur Region to Bhubaneswar vide order dated 04.04.16 and again the applicant has been transferred from Bhubaneswar to Sambalpur region vide order dated 01.08.2016.

3. On being questioned regarding applicability of Rule 20 of the AT Act and Rules Mr. Ojha fairly submitted that the order of transfer was issued to him on 02.08.16 and therefore, without waiting for the representation he was rushed to the Tribunal for ventilating his grievance for efficacious and effective remedy. As Section 20 of the AT Act and Rules is a bar for entertaining such application without exhausting the departmental remedy Mr. Ojha submitted that he will make a comprehensive representation to Respondent No.2 i.e., Chief Post Master General, Odisha Circle, Bhubaneswar within seven days from today. Taking into account such a submission made by Mr. Ojha, we allow the applicant to make a comprehensive representation to Chief Post Master General, Odisha Circle, Bhubaneswar (Respondent No.2) and in case any such representation/appeal made by the applicant to Respondent No.2 then Respondent No.2 may consider the same and dispose ~~up~~ within a period of three weeks' from the date of receipt of the representation. We made it clear that if no representation is filed within seven days from today i.e., by 11.08.16 then Respondent No.2 is not bound by the aforesaid order. We also made it clear if any such representation is made before 11.08.16 then the same may be considered and disposed of by way of a reasoned and speaking order within three weeks' from the date of receipt of such representation and till 30.09.2016 the applicant may ~~be allowed~~ to continue in his present place of posting i.e., at Bhubaneswar.

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

5. On the prayer made by Mr. S.K. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 & 3 by Speed Post for which he undertakes to file the postal requisites in course of the day.

(R.C.MISRA)  
MEMBER (A)

K.B.

  
(A.K.PATNAIK)  
MEMBER(J)