

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.612 of 2016

Cuttack this the 7th day of September, 2016

CORAM

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

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Tushar Kanta Mishra, aged about 52 years, S/o.late Narayan Mishra, At-Dakhinaradas, Via-Rench, PS-Balanga, Dist-Puri - now working as SPM, Orissa Engineering College SO, Jatni, Dist-Puri

By the Advocate(s)-Mr.P.K.Das

-VERSUS-

Union of India represented through:

1. The Director General of Posts, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. CPMG, Orissa Circle, Bhubaneswar, Dist-Khurda
3. Director of Postal Services (HQs.), O/o. the CPMG (O), Bhubaneswar, Dist-Khurda
4. Senior Superintendent of Post Offices, Bhubaneswar Division, Bhubaneswar-751 001, Dist-Khurda
5. Senior Superintendent of Post Offices, Puri Division, Puri At/PO/Dist-Puri

...Respondents

By the Advocate(s)- Mr.S.B.Mohanty

ORDER(Oral)

A.K.PATNAIK, MEMBER(J):

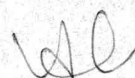
Heard Mr.P.K.Das, learned counsel for the applicant and Mr.S.B.Mohanty, learned ACGSC for the respondents on the question of admission and perused the records.

2. Applicant is presently working as SPM, Orissa Engineering College SO, Jatni, Dist-Puri. He has approached this Tribunal being aggrieved by the orders dated 27.6.2016(A/4) and dated 25.7.2016(A/5).

Signature

3. It is the case of the applicant that vide Memo dated 31.3.2015(A/1) he was posted on transfer as P.A. to Bhubaneswar Division with the approval of the CPMG. Consequently, Senior Superintendent of Post Offices, Bhubaneswar Division(res.no.4) vide order dated 26.5.2015(A/2) posted the applicant to Baramunda Colony S.O. While the matter stood thus, res.no.4 issued Memo dated 27.6.2016(A/4) keeping the order dated 26.05.2015 in abeyance in so far as posting the applicant to Baramunda Colony SO is concerned. While the matter stood thus, Res.no.4 issued Memo dated 25.7.2016(A/5) posting the applicant to Gop S.O. Aggrieved with this, applicant submitted a representation dated 17.8.2016(A/7) to the res.no.4 for reconsideration of his posting within Bhubaneswar Division, as had been ordered consequent upon A/1 dated 31.3.2015 issued with the approval of the CPMG. Since he did not receive any response, applicant further submitted a representation dated 26.8.2016(A/8) to the Director of Postal Services(HQ), Bhubaneswar (res.no.3) and in the meantime, he has moved this Tribunal for quashing A/4 and A/5 with direction to respondents to post him on transfer to Baramunda Colony S.O.

4. It is the case of the applicant that since with the approval of CPMG, Odisha Circle vide A/1 dated 31.3.2015, he had been posted to Baramunda Colony S.O., his posting cannot be changed or altered at the behest of the res.no.4 who is



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subordinate to CPMG and therefore, the impugned orders dated 27.6.2016(A/4) and dated 25.7.2016(A/5) are liable to be quashed and set aside and direction may be issued to respondents to post him at Baramunda Colony S.O. Applicant, inter alia, has also urged some other grounds in support of his case.

5. We have considered the rival submissions. Since the applicant has ventilated his grievance before res.nos.3 and 4 by submitting a representations dated 17.8.2016(A/7) and 26.8.2016(A/8) which are stated to be pending, at this stage, we are not inclined to admit this O.A. In view of this, without expressing any opinion on the merit of the matter, we would direct res.no.3 and 4 to consider the representations of the applicant as aforesaid, if the same are still pending, in the light of the extant rules and instructions and communicate the decision to the applicant within a period of six weeks from the date of receipt of this order. It is further directed that applicant shall be allowed to continue in the present place of posting for a period of one month from the date of communication of the decision.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.no.3 and 4 at



the cost of the applicant for which Mr.P.K.Das undertakes to file the postal requisites by 9.9.2016.

8. Free copy of this order be made over to learned counsel for both the sides.

(R.C.MISRA)
MEMBER(A)

(A.K.PATNAIK)
MEMBER(J)

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