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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.723 of 2016

Cuttack this the 21st day of October, 2016

CORAM

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

Manohar Munda, aged about 30 years, S/o. Kanhai Munda, permanent resident of Vill-Solakudar, PO-Jorda, Via/PS-Badampahar, Dist-Sambalpur at present working as GDSBPM, Jorda Branch Post Office

...Applicant

By the Advocate(s)-Mr.T.Rath

-VERSUS-

Union of India represented through:

1. The Secretary, Department of Posts, Dak Bhawan, New Delhi-110 001
2. Chief PMG, Odisha Circle, At-Bhubaneswar, PO-Bhubaneswar, Odisha Circle, At-Bhubaneswar
3. Supdt. Of Post Offices, Mayurbhanj Division, At/PO-Baripada-757 001, Dist-Mayurbhanj
4. Dukhram Murmu, S/o.Sri Sankar Murmu, At-Dalki, PO-Saragada, Via-Bijatala, Dist-Mayurbhanj-757 048

...Respondents

By the Advocate(s)- Mr.M.R.Mohanty

ORDER(Oral)

A.K.PATNAIK.MEMBER(J):

Heard Mr.T.Rath, learned counsel for the applicant and Mr.M.R.Mohanty, learned ACGSC appearing for the Respondents on the question of admission and perused the records.

2. This O.A. has been filed by the applicant challenging the communications dated 26.09.2016/3.10.2016(A/11) and dated 29.9.2016(A/12) made by the Superintendent of Post Offices, Mayurbhanj Division, Baripada, in which it has been stated that
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since Sri Dukhram Murmu (Res.no.4) has been issued with the appointment letter, applicant's transfer to the post of GDSBPM, Jorda BO in account with Badampahar SO cannot be considered.

3. It is the case of the applicant he is a physically challenged person. Through a regular process of selection, he was appointed to the post of GDSBPM, Jirei BO under Tiring SO with effect from 14.05.2010. By taking into consideration the physical condition, Inspector of Post Offices, Rairangpur deputed him to work as GDSBPM, Jorda BO against the vacant post vide letter dated 06.01.2011. On 17.09.2012, applicant submitted a representation to the Superintendent of Post Offices, Mayurbhanj Division (res.no.3) for his transfer from the post of GDSBPM, Jirei BO to the post of GDSBPM, Jorda BO as he is a physically handicapped person. It is needless to mention that Jirei BO where the applicant had been initially appointed is 60 kms. away from Jorda BO which is nearby his village. While the matter stood thus, Res.no.3 issued a notification dated 21.05.2015 for filling up the post of GDSBPM, Jorda BO. This being the situation, applicant submitted another representation dated 22.06.2015 to the Chief Post Master General, Odisha Circle (res.no.2), followed by a further representation dated 24.11.2015 seeking his transfer to Jorda BO on medical grounds. Thereafter, on being called upon and in pursuance of communication dated 23.03.2016, applicant submitted the required information to Res.no.3. While his request for transfer

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is pending consider by Res.no.2 and when there is a ban on recruitment and/or appointment against any GDS Post as per DG Posts letter dated 01.08.2016, Res.no.3 issued appointment order in favour of Private Respondent No.4 against the post of GDSBPM, Jorda BO as per letter dated 26.9.2016/3.10.2016, as communicated vide letter dated 29.9.2016 (A/11 & A/12).

Hence, this Original Application.

4. During the course of hearing, Mr.Rath in support of his case advanced the following points.

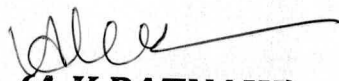
- i) There being a ban on recruitment to GDS by the D.G. Posts, which has been communicated to all Heads of Circles, the process of recruitment as conducted by Res.no.3 for filling up the post of EDBPM, Jorda BO is without any authority and jurisdiction.
- ii) When the grievance of the applicant is pending consideration by Res.no.2, appointment letter issued by Res.no.3 is without any authority.
- iii) Even though Private Res.no.4 has been issued with the appointment letter, he has not yet joined in the post of EDBPM, Jorda B.O.

5. I have considered the rival submissions in extenso. At this stage, I am not inclined to keep this matter pending, thereby inviting a counter from the respondents. In the fitness of things, without expressing any opinion on the merit of the matter, I would direct both Res.Nos. 2 and 3 to consider the representations of the applicant as aforementioned in the light of the instructions and guidelines issued by the DG Posts in the matter of transfer of GDS and communicate the decision



thereon to the applicant in a well-reasoned order within a period of two months from the date of receipt of this order. Although I have not expressed any opinion on merit, but, I hope Respondent Nos. 2 and 3 while considering the grievance of the applicant shall take into account all the points raised by him in his representations. I also direct that status quo in so far as continuance of the applicant in the present post is concerned, shall be maintained for a further period of one month from the date of communication of decision to the applicant on his representations.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.
5. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.nos.2 and 3 at the cost of the applicant for which Mr.T.Rath undertakes to file the postal requisites by 24.10.2016.
6. Free copy of this order be made over to learned counsel for both the sides.


(A.K.PATNAIK)
MEMBER(J)