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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.421/2012

CORAM:

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

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ORDER DATED 01.06.2012

On being mentioned by Shri B.Dash, learned counsel for the applicant at my residential office on 30.5.2012 (Evening), I directed the Registry to put up this matter before me at my Residential Office on 1.6.2012 and accordingly, this matter is taken up to-day at my residential office.

Heard Shri B.Dash, learned counsel for the applicant and Shri S.Barik, learned Addl. Standing Counsel (on whom a copy of this O.A. has been served) appearing for the Respondents.

In this Original Application, applicant has challenged the order under Annexure-A/2 dated 15.5.2012 wherein he has been transferred from Rourkela Head Office to Sundargarh H.O. in the same post, i.e. Post Master. From the cause title as well as from the averments made in the O.A. it is clear that the applicant is about 59 years and hardly there is less than two years for his retirement. Drawing my attention to the transfer policy formulated by D.G. P & T No.69/4/79-SPB-I dated 12.11.1981 under Annexure-A/1, Shri Dash submitted that the transfer from Rourkela to



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Sundargarh which is about 100 kms. Away is contrary to the said policy formulated by the Department against which the applicant has made a representation dated 18.5.2012 under Annexure-A/3 to the Post Master General, Sambalpur Region (Respondent No.3) which is pending till date. Shri Dash further submitted that notwithstanding pendency of this representation applicant is likely to be relieved to-day from his place of posting and in effect, this will put him into undue harassment.

Shri Barik, learned ASC for the Respondents vehemently opposed the prayer made by Shri Dash and submitted that transfer is an incidence of service and no person can opt as to where he will be posted or where he will continue as it is solely within the discretion of the authorities. Shri Barik also submitted that the transfer has been made in the interest of administration as is evident from Annexure-A/2 which has been challenged by the applicant. However, he has not disputed the fact that the representation has been made by the applicant under Annexure-A/3, but he has no instruction on the status of the said representation.

Shri Dash submitted that he will be satisfied if a direction is issued to Respondent No.3, viz., Post Master General, Sambalpur Region, Sambalpur to consider the representation of the applicant (Annexure-A/3) having regard to circular issued by the DGP&T under Annexure-A/1 and

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accordingly, pass a reasoned and speaking order within a specific time frame.

In consideration of the submissions so made and as agreed by Shri Dash, I dispose of this O.A. with direction to Respondent No.3, i.e., Post Master General, Sambalpur Region, Sambalpur to consider the pending representation of the applicant (Annexure-A/3) and pass a reasoned and speaking order within a period of four weeks from to-day.

Till disposal of the representation as aforesaid, applicant should not be disturbed from his place of posting, i.e., Rourkela Head Office.

With the aforesaid observation and direction, this O.A. stands disposed of.

Shri B.Dash prayed for service of copy of this order along with copy of the O.A. on Respondent No.3 by Dasti. He is so permitted.

In view of urgency, Shri S.Barik, learned ASC is directed to communicate the gist of the aforesaid order over telephone to the PMG, Sambalpur Region, Sambalpur.

Free copies of this order be made over to the learned counsel for the parties.


JUDICIAL MEMBER