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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No. 176 of 2013
Cuttack, this the 4th day of April, 2013

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

Prasanta Kumar Sahu,
Aged about 59 years,
Son of Late Juri Sahu,
At/Po-Dahinapur,
Via-Berhampur,
Dist.Ganjam,
Pin-760 002,
Working as Sub Post Master,
Sankarpur Sub Post Office,
Berhampur-763 002,
Dist. Ganjam.

....Applicant

(Advocate(s): M/s. S.P.Mohanty,P.Lenka,M.Barik)

VERSUS

Union of India Represented through

1. Secretary to Govt. of India,
Department of Posts,
Dak Bhawan,
New Delhi-110 116.
2. Chief Postmaster General,
Orissa Circle,

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Bhubaneswar,
Dist. Khurda,
Orissa.

3. Postmaster General,
Berhampur Region,
Berhasmpur,
Dist. Ganjam.
4. Senior Superintendent of Post Offices,
Berhampur (GM) Division,
Berhasmpur-760 001,
Dist. Ganjam.
5. Rameswara Senapati,
Working as Postal Assistant,
Berhampur HO,
Berhampur-760 001,
Dist. Ganjam.
6. Rabindra Sahu,
Working as Sub Postmaster,
Surangi,
Sub Post Office,
At/Po.Surangi,
Dist. Ganjam,
PIN-761 037.

.... Respondents

(Advocate: Mr.R.C.Behera)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (I):

The Applicant who while working as Sub
Postmaster Sankarpur having faced the order of transfer
dated 30.3.2013 (Annexure-A/3) as PA Berhampur HO

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vice Shri U.C.Panda transferred has filed this Original Application U/s.19 of the A.T. Act, 1985 seeking to quash his order of transfer and to direct the Respondent to transfer/post him in any of the places given in his option at Annexure-A/2.

2. His stand is that though pursuant to the letter dated 28.1.2013 he had exercised his option giving three different stations for his posting after completion of tenure in his present place surprisingly he was posted to a place contrary to his option which amounts to demotion of his status at the fag end of his service career. Further case of the applicant is that his junior who has hardly completed one year in his present station has been posted in place of the applicant. Hence he has approached this Tribunal in the instant OA with the aforesaid reliefs.

3. We have heard Mr.S.P.Mohanty, Learned Counsel for the Applicant and Mr.R.C.Behera, Learned

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Additional CGSC appearing for the Respondents and perused the records.

4. On being asked it was fairly admitted by the Learned Counsel for the Applicant that the place to which the applicant has been transferred is within the vicinity of the area where the applicant was working in other words the posting of the applicant is within 4/5 KMs away from his place where he has been working. Further it has been admitted that by the transfer and posting there would be no depletion in so far as pay and emolument of the applicant is concerned. Law is well settled that transfer is an incidence of service and who should be transferred/posted where is within the domain of the authority. The power of the Courts/Tribunal to interfere in the order of transfer is very limited inasmuch as only where the order of transfer is made in violation of statutory/mandatory rules or the transfer is actuated with mala fide which is not the case of

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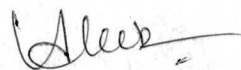
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the applicant in the present OA. The Tribunal is also not the Appellate Authority over the order passed by the Senior Superintendent of Post Offices, Berhampur Division in transferring the applicant from one place to other in public interest/exigency of service. If at all the applicant has any grievance he has ^{to} agitate the same by way of making representation which he had not availed of.

5. For the foregoing discussions, we are not inclined to interfere in the matter. Hence this OA stands dismissed being sans any merit. There shall be no order as to costs.



(R.C.Misra)
Member (Admn.)



(A.K.Patnaik)
Member (Judl.)