

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No.301 of 2013

Cuttack, this the 15th day of May, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)

.....

Niranjan Rana,
Aged about 50 years,
Son of Late Jogendra Rana
Village/Po.Jalasuan,
PS.Ramchandrapur,
Dist.Keonjhar,
Working as SPM,
Salapada Sub Post Office,
Under Supdt. Of Post Offices,
Keonjhar Division,
Under orders of transfer as
Postal Assistant Keonjhar HO.

....Applicant

(Advocate(s)-M/s.S.Rath,B.K.Nayak-3,D.K.Mohanty)

Union of India represented through –

1. Director General of Posts,
Ministry of Communication,
Department of Posts,
Sastri Bhawan,
Dak Bhawan,
Sansad Marg,
New Delhi-110 001.
2. The Chief Postmaster General,
Orissa Circle,
Bhubaneswar-751 001.

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3. The Postmaster General,
Sambalpur Region,
At/Po/Dist.Sambalpur.
4. The Superintendent of Post Offices,
Keonjhar Division,
Keonjhargarh-758 001.
5. Shri Binod Bihari Modi,
Postal Assistant,
Joda LSG SO,
Keonjhar
Under orders of transfer as SPM,
Salapada SO.

.....Respondents

(Advocate(s)- Mr.S.Mohapatra)

vide

O R D E R

(oral)

MR. A.K. PATNAIK, MEMBER (I):

The Applicant has filed the instant OA assailing and seeking to quash the order transferring him from his present place of posting to Keonjhargarh HO and posting Respondent No.5 in his place vide order dated 8.5.2013 at Annexure-A/4.

2. He has sought the above direction on the ground that he has been subjected to the transfer within a span of only 9 (nine) months of his joining at his present place of posting as against the tenure of four years provided in the policy of transfer that too in a pick and choose manner and that the present transfer would cause difficulty in getting appropriate treatment as he is a vertiligo patient and under treatment at Unani Hospital, Bhadrak and SCB Medical

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College Cuttack and his wife is a chronic patient under treatment at SDM, Anandapur. In support of the stand that the transfer being in violation of the policy of transfer the same is not sustainable he has placed reliance on the decision of the Hon'ble Apex Court in the case of **Ramachandra Keshav Adke (Dead) by Lrs Vrs Govind Joti Charvare and others**, AIR 1975 SC 915. It has further been averred that he has made representation dated 11.5.2013 to Respondent No.3 but as he is likely to be relieved he has approached this Tribunal with the aforesaid reliefs.

3. We have heard Mr.D.K.Mohanty, Learned Counsel for the Applicant and Ms.Swapna Mohapatra, Learned Additional CGSC appearing for the Respondents and perused the records.


4. Ms.Mohapatra, Learned Additonal CGSC appearing for the Respondents submitted that the order of transfer has been issued in public interest in which along with applicant several other employees have also been transferred. Therefore, in case the relief claimed in this OA is granted this would break up the entire chain. Hence, she has prayed not to entertain this OA.


5. We find that officials whose names find place at Sl.Nos.15 to 22 have been made on administrative grounds only. Since the representation of the Applicant is pending, as stated by the Applicant, with the Respondent No.3 and the authority being benign employer



has every authority to take a decision considering the personal difficulties to be caused in case transfer is effected, at this stage, without expressing any opinion on the merit of the matter we dispose of this OA with direction to the Respondent No.3 to take a decision on the pending representation of the applicant and communicate the result thereof in a reasoned order to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. Till such time status quo in respect of the relieve of the applicant shall be maintained. There shall be no order as to costs.

6. Mr.Mohanty, Learned Counsel for the Applicant prays to send copy of this order, by speed post through Registry at his cost for which he undertakes to furnish the required postal requisite by tomorrow. Prayer allowed.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)