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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK

O.A. No.308 of 2013
Cuttack, this the 21st day of May, 2013

CORAM

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

.....

Sri Laxman Behera,
Aged about 53 years,
Son of Shri Balaram Behera,
At/Po-Deepsikha, Dist.Angul,
SPM Deepsikha SO.

....Applicant

(Advocate(s):-Mr.P.K.Padhi)

-Versus-

Union of India represented through –

1. Secretary cum-Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110 116.
2. Postmaster General,
Sambalpur Region,
At/Po/Dist.Sambalpur-768 001.
3. Superintendent of Post Office,
Dhenkanal Division,
At/Po/Dist.Dhenkanal-759 001.
5. Rabi Chandra Behera,
Postal Assistant,
Dhenkanal HO,
At/Po/Dist.Dhenkanal-759 001.

.....Respondents

(Advocate(s)-Mr.B.K.Mohapatra).

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ORDER

(oral)

A.K. PATNAIK, MEMBER (J):

We find that vide order dated 9.5.2013, the Applicant has been transferred from Deepsika SO to Anugul HO and Respondent No.4 (Shri Rabi Chandra Behera) has been posted to the place of the Applicant. Being aggrieved, he has submitted representation on 11.5.2013 to the Postmaster General, Sambalpur Region, Sambalpur. Thereafter, he has filed the instant OA seeking direction to the Respondent No.2 to reconsider his case for giving him a posting in and around Talcher Town or to allow him to continue in his present place for another one year. It is the case of the Applicant that he has not been relieved nor Respondent No.4 has been posted till date. Also it was submitted that till date no decision on his representation has been take/communicated and he apprehends that before any decision is taken/communicated he is likely to be relieved. In view of the above, learned counsel for the Applicant while praying for issuance of notice by way of ad interim measure it has been prayed to stay his order of transfer.

2. We have heard Mr.P.K.Padhi, Learned Counsel for the Applicant and Mr.B.K.Mohapatra, Learned Additional CGSC (on whom a copy of this OA has been served) appearing for the Respondents and perused the material placed on record.

3. Law is well settled that who should be transferred where, is a matter for the appropriate authority to decide. While ordering the



transfer, there is no doubt, the authority must ~~keep~~ ⁱⁿ mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same of course having regard to the exigencies of administration. Mr.B.K.Mohapatra, Learned Additional CGSC appearing for the Respondents has no immediate instruction about the status of the representation submitted by the Applicant on 11.5.2013. In view of the above, without going to the merit of the matter at this stage, this OA is disposed of with direction to the Respondent No.2 to consider and dispose of the representation dated 11.5.2013 and communicate the result thereof in a reasoned order to the applicant within a period of thirty days. Till then status quo in so far as relieve of the applicant from his place of posting shall be maintained. There shall be no order as to costs.

4. On the prayer of Mr.Padhi, Learned Counsel for the Applicant copy of this order along with OA be sent to the Respondent No.2 by ~~speed~~ speed post for which learned counsel for the applicant undertakes to furnish the required postal requisite within two days hence.


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


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