CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.510 OF 2013
Cuttack the 30th day of July, 2013

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

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Maheswar Maharana, aged about 58 years, Son of Late Jadab Maharana, At/Po.Similiguda, Dist.Koraput, presently working as PA (on leave), Nandapur SO, Dist. Koraput.

...Applicant

(Advocates: M/r.D.P.Dhalsamant,N.M.Rout)

VERSUS

Union of India represented through -

1. The Director General of Posts, Government of India, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.

2. Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist. Khurda-751 001.

3. Director Postal Services, O/O Postmaster General, Berhampur Regon, At/Po.Berhampur, Dist. Ganjam.

4. Senior Superintendent of Post Offices, Koraput Division, At/Po-Jeypore, Dist. Koraput-764 001.

.....Respondent

(Advocate: Mr.S.B.Jena)

ORDER

A.K. PATNAIK, MEMBER (J):

Applicant's case in nutshell is that he has left two years' service to retire. He has submitted option stating therein that in the event of his transfer he may be transferred either to Sunabeda 2, Sector VII or Potangi even with any TA/TP. However, without considering his option when vide order dated 28.3.2013 he was transferred from Nandapur to Mathili he has ventilated his grievance through representation dated 8.4.2013 before the Director Postal Services (Respondent) stating therein that present transfer would cause immediate difficulty to his family life as his wife is a State Government employee working in the Department of Education in Semiliguda Block, Sunabeda 2, Sector VII and cannot accompany him and the treatment of his son who is

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suffering from epilepsy. It is the case of the applicant that vide letter dated 3.6.2013 it was intimated to him by the Respondent No.4 that his request made in representation dated 8.4.2013 has not been acceded to by the competent authority. He has, therefore, challenged his order of transfer on various grounds and rejection of his representation without assigning any reason is one of them.

2. We have heard Mr.D.P.Dhalsamanta, Learned Counsel for the Applicant and Mr. S.B.Jena, Learned Additional CGSC appearing for the Respondents and perused the records.

3. Law is well settled that transfer being an incidence of service the Tribunal should not ordinarily interfere with the order of transfer made in public interest/administrative exigency unless it is established that such transfer has been made in violation of the statutory rules or *mala fide* exercise of power. It is equally settled law that personal difficulties are matters for the authorities to consider.

4. We find that the applicant has rightly ventilated his grievance through representation under Annexure-A/4 dated 8.4.2013 before the Respondent No.3. But it was intimated in two line order by the Respondent No.4 in his letter under Annexure-A7 dated 3.6.2013 that his request has not been acceded to by the competent authority. Time without number the Hon'ble Apex Court, different Hon'ble High Courts as also this Tribunal deprecated disposal of representation/appeal of an employee in cryptic/unreasoned order. The present letter dated 3.6.2013 is one of such letter which warrants interference of this Tribunal. Giving of reasons is an essential element of administration of justice. A right to reason is, therefore, an indispensable part of sound system of judicial review.

5. In view of the above, without expressing any opinion on the merit of the matter, we quash the order under Annexure-A/7 dated 3.6.2013 and remit the matter to the Respondent No.3 to give a fresh look to the grievance raised by the Applicant in his

representation dated 8.4.2013 in Annexure-A/4 and communicate the decision to the applicant in a well-reasoned order within a period of sixty days from the date of receipt of copy of this order.

6. In the result this OA stands disposed of at this admission stage. There shall be no order as to costs.

7. Copy of this order along with OA be sent to Respondent No.3 for compliance at the cost of the applicant; for which Learned Counsel for the applicant undertakes to furnish the postal requisite in the registry within two days hence.

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

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