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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 536 OF 2013

Cuttack the 8th day of Aug, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER
AND
HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER**

Rabichandra Behera ,
aged about 53 years,
Son of – Laxmidhar Behera,
Presently working as Postal Assistant Dhenkanal H.O.,
At/PO/Dist-Dhenkanal.

...Applicant

(Advocates: M/s-S. Pattnaik, B.R. Kar)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
At-Dak Bhawan, Sansada Marg,
New Delhi-110001.
2. Postmaster General,
Sambalpur Region,
At/PO/Dist-Sambalpur-768001.
3. Superintendent of Post Office,
Dhenkanal Division,
At/PO/Dist-Dhenkanal

... Respondents

(Advocate: Ms. S. Barik.)

Barik *Ravi*

ORDER(Oral)

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

The applicant who is continuing as Postal Assistant Dhenkanal H.O. has filed this Original Application under Section 19 of the Administrative Tribunal's Act, 1985 praying therein to quash the order dated 01.08.2013 (Annexure-A/4) in which he was transferred from his present place of posting to Angul HO in his present capacity as P.A. It is the case of the applicant that he has been subjected to frequent transfer within a short span without existence of any administrative exigencies or public interest. It has been stated that within two months he faced two times transfer. Due to such frequent and unscheduled transfer he has been suffering both financially and mentally. It is his case that he has submitted representation to Respondent No.2 on 03.08.2013 at AnnexureA/5 but he has not received any communication thereon. Hence, while reiterating his prayer made in this O.A. he has prayed for stay of operation of his order of transfer dated 01.08.2013 (Annexure-A/4) as he has not been relieved till date.

On the other hand, Mr. S. Barik, Learned Additional Central Government Standing Counsel (on whom copy of this O.A. has been served) submitted that the applicant submitted Appeal against his order of transfer only on 03.08.2013 (Annexure-A/5) and filed this O.A. on 07.08.2013 that is hardly within 04 (four) days ^{of} ~~on~~ submission of the appeal. Hence this O.A. being premature is liable to be dismissed. Mr. S. Pattnaik, Learned Counsel for the applicant submitted that in view of the urgency i.e., the applicant is likely to be relieved he has approached this Tribunal within the short time after filing the representation.

Pattnaik

Barik

2. We have considered the rival submissions of the parties and perused the records. Be that as it may we find that against the order of transfer the applicant submitted representation on 03.08.2013 (Annexure-A/5) and according to the Learned Counsel for the applicant no reply has been received till date. In view of the above, as agreed to by the Ld. Counsel for both sides without expressing any opinion on the merit of the matter, this O.A. is disposed of with a direction to the Respondent No.2 that if the applicant has submitted ^{any} ~~the~~ representation dated 03.08.2013 (Annexure-A/5), and if it is till pending then the same should be considered and disposed of and result thereof be communicated to the applicant with a reasoned and speaking order within a period of 30 (Thirty) days. Till such time status quo as of date in so far ^{as} ~~the~~ the relieve of the applicant is concerned shall be maintained.

3. With the above, observation and direction this Original Application is disposed of at the admission stage itself.

4. Send copy of this order along with paper books to Respondents No.2 at the cost of the applicant for which Mr. S. Pattnaik, Ld. Counsel for the applicant undertakes to deposit the postal requisites by Monday i.e., on 12.08.2013.

Free copies of this order be made over to Ld. Counsel appearing for both sides.


(R.C. MISRA)
ADMN. MEMBER


(A.K. PATNAIK)
JUDICIAL MEMBER