

3 **CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O. A. NO. 585 OF 2013
Cuttack, this the 29th day of August, 2013**

CORAM

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

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Banambar Sethy,
aged about 52 years,
Son of Late Bihari Sethy,
Permanent resident of Vill- Manzibag,
P.O. Balanga, Dist. Pur.
At Present working as Inspector of Posts (PG),
Jeypore (K) Koraput Division Koraput.

.....Applicant

Advocate(s) Mr. D.K.Mohanty.

VERSUS

Union of India represented through

1. Secretary –cum-Director General of post,
Ministry of Communications,
Department of Posts,
Dak Bhawan, Sansad Marg, New Delhi-1.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar,
Dist-Khurda.
3. Post Master General,
Berhampur (Ganjam),
At/PO- Berhampur,
Dist.- Ganjam.

..... Respondents

Advocate(s)..... Mr. S. Barik.

.....

O R D E R (ORAL)

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

Heard Mr. D.K.Mohanty, Ld. Counsel for the applicant, and
Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the
Respondents, on whom a copy of this O.A. has already been served.

Alka

2. The applicant, in this instant O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, has challenged the order of transfer vide memo No. ST/11-20/2010/Sub-I at Berhampur dated 11.07.2013 by submitting that he has been subjected to victimization due to frequent transfer in gross violation of the policy of transfer framed by the Apex Authority. Mr. Mohanty, Ld. Counsel for the applicant, submitted that the applicant was initially appointed and joined as Inspector of Posts, Umerkote, Koraput in 1988 and in 1990 he was transferred to Nimapara H.O. He submitted that applicant was again transferred to Cuttack South Division in 1992 and in 1996 he was transferred to Rairangpur H.O. Applicant was further transferred to Jaleswar H.O. in 1998. In 2000, the applicant was transferred to Cuttack City Division, Cuttack. He was again transferred to Puri Division in 2006. While continuing as such, the applicant was punished with the punishment of compulsory retirement, however, he was reinstated into service and posted at Malkangiri H.O. in 2009. Mr. Mohanty submitted that in January, 2011 applicant was transferred to Jeypore H.O. and in 2013 he has been transferred to Gunupur Sub Division, Koraput, which is quite away from his native place. Mr. Mohanty categorically submitted that the applicant till date has not been relieved. He brought to our notice the representation made by the applicant to one Sri S.K.Chakraborti, IPoS, Principal Chief Post Master General, Odisha Circle, on 16.07.2013 followed by another representation made on 12.08.2013 to Jashobanta Panda, IPoS, Chief Post Master General, Odisha Circle. However, both the persons have not been arrayed as parties in this O.A. Mr. Mohanty submitted that the grievance of the applicant will be more or less redressed if the applicant will

Verdict

be allowed to make a representation to Chief Post Master General, Odisha Circle, Bhubaneswar.

3. In view of the above, without entering into the merit of this case, we dispose of this O.A. by directing the applicant to make a comprehensive representation against his transfer to the Chief Post Master General (Respondent No.2) within 10 days from today and if such a representation is made within 10 days from today then Respondent No.2 is directed to consider the same and communicate the result thereof to the applicant within 30 days from the date of receipt of such representation. However, we make it clear that if no representation is made within 10 days from today then the further representation will not be accepted by Respondent No.2.

4. As Mr. Mohanty, Ld. Counsel for the applicant, submitted that the applicant has not yet relieved and is still continuing at the same place of posting, we direct that the status quo in respect of the applicant's posting will be maintained till the disposal of the representation. *if made within 10 days from today.*

5. With the aforesaid observation and direction, O.A. stands disposed of at the stage of admission itself.

6. Copy of this order, along with paper book, be transmitted to Respondent No. 2 by Speed post at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to file the postal requisites in course of the day. Mr. S. Barik, Ld. ACGSC appearing for the Respondents, undertakes to inform the concerned authority regarding this order passed by the Tribunal.

RK
MEMBER (Admn.)

Abel
MEMBER (Judl.)