

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 598 OF 2013
Cuttack, this the 4th day of September, 2013

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

.....

Prafulla Kumar Prusty,
aged about 54 years,
S/o – Late Banamali Prusty,
Presently working as Postal Assistant,
Nayagarh Head Post Office,
At/PO- Nayagarh,
Dist- Nayagarh, Odisha.

.....Applicant

Advocate(s) M/s. M. Kar, N.K. Das

VERSUS

Union of India represented through

1. Chief Post Master General,
Odisha, Bhubaneswar,
Dist- Khurda.
2. Director of Postal Services,
Odisha, Bhubaneswar,
Dist- Khurda.

Both are at P.M.G. Building, Bhubaneswar, Dist-Khurda, Odisha

3. Sr. Superintendent of Post Offices,
Puri Division, Puri,
At/PO/Town/Dist- Puri, Odisha.

..... Respondents

Advocate(s)..... Mr. J.K.Khandayatray

.....

O R D E R (ORAL)

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

Heard Mr. M. Kar, Ld. Counsel for the applicant, and Mr. J.K.Khandayatray, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

[Signature]

[Signature]

2. The instant O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the ~~illegality~~ and validity of the order of transfer of the applicant contained in Memo No. B-12-32/2013-14 dated 21.05.2013 issued by Respondent No.2 in transferring the applicant from his present place of posting, i.e. Nayagarh Head Post Office, to Kurala Sub-post Office as Sub-Post Master. Mr. Kar, Ld. Counsel for the applicant, submitted that applicant joined as a Postal Assistant in 1981 and has already completed 32 years of service. While continuing as Sub-Post Master of Sinduria Sub-Post Office, he was transferred to Nayagarh Head Post Office as Postal Assistant vide Memo No. B 12-32/2012-13 dated 04.05.2012 and, in compliance of the aforesaid order, the applicant joined at Nayagarh Head Post Office as Postal Assistant on 26.05.2012 and is continuing till date. Mr. Kar by bringing to our notice order of transfer ~~order~~ issued by Respondent No. 3 submitted that without any misconduct or any stigma attached to the applicant, all ~~of~~ a sudden, he has been transferred to Kurala Sub-Post Office as Sub-Post Master by making office arrangement and, therefore, no reliever has come till date and the applicant is still continuing in the said post. The further case of the applicant is that his wife is a teaching staff in State Government and presently posted at Nayagarh and due to the transfer of the applicant to a place 40 Kms from Nayagarh, the spouse of the applicant will face immense difficulty with two unmarried daughters and due to absence of the applicant it would be difficult for her to manage the affairs.

3. The applicant has made a comprehensive representation to Director of Postal Services, i.e. Respondent No.2, vide representation dated 17.06.2013 but till date no response has been received from Respondent No.2.

[Handwritten signatures and initials follow, including 'Devi', 'V. K. Prusty', and 'UOI' at the bottom right.]

4. Mr. J.K.Khandayatray, Ld. ACGSC appearing for the Respondents, submitted that transfer being the incident of service, it is coming under the exclusive domain of the Respondents-department that who will be posted where and no employee has a right to continue in a particular place of posting for some period. However, Mr. Khandayatray candidly submitted that he has no immediate instruction regarding status of the representation if made to Respondent No.2 and whether it is pending before him.

5. Accordingly, on the above view of the matter, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation made by the applicant on 17.06.2013, if at all it is made and pending, and dispose of the same by way of reasoned and speaking order and communicate the same to the applicant within 30 days from the date of receipt of this order. However, we make it clear that if in the meantime the said representation has already been disposed by Respondent No.2 then the result thereof be communicated to the applicant within a period of one week from the date of receipt of this order. However, the status quo as of date in respect of the applicant will be maintained till the disposal of the representation, if it has not yet been disposed of.

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

7. Copy of this order, along with paper book, be transmitted to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant, for

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which Mr. Kar, Ld. Counsel for the applicant, undertakes to file the postal requisites by 05.09.2013.

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MEMBER (Admn.)

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MEMBER (Judl.)

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