

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.674 OF 2013
Cuttack the 30th day of September, 2013

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

Hemanta Kumar Nayak,
aged about 55 years,
S/o. Late Gayadhar Nayak,
Of Vill/PO. Sarakana, Via./P.S. Khairat,
Dist-Balasore.

...Applicant
(Advocate:)

VERSUS

Union of India Represented through

1. The Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Postmaster General,
Odisha Circle,
P.M.G. Square,
Bhubaneswar, Dist.Khurda-751001.
3. Director,
Postal Services,
PMG Square, Bhubaneswar,
Dist.Khurda-751001.
4. Superintendent of Post Offices,
Bhadrak H.O.,
At./P.O./Dist. Bhadrak.

... Respondents
(Advocate:)



-2-

ORDER(Oral)

HON'BLE MR. R.C. MISRA, MEMBER (A)

Heard Sri H.K. Nayak, the applicant who has appeared personally before this Tribunal.

2. Sri Nayak has presented before the Tribunal that he was recruited as Postal Assistant under Physically handicapped quota during 1992 in Berhampur Division and in 1995 he came to Bhadrak Division and worked in different places in this Division. He was posted as Postal Assistant in Bhadrak/ H.O. in April, 2010 and then he was selected as Treasurer for two years. On completion of his tenure as Treasurer, he worked against the post of Postal Assistant Bhadrak/H.O. w.e.f. 12.09.2012. His case is that he has not completed post tenure at Bhadrak/H.O. in the year 2013. However, the Superintendent of Post Offices Bhadrak Division without considering his place of choice has transferred him to a remote area i.e., Brahamanigaon, which is 65 K.M. from his native place and 30 K.M. from Bhadrak town having ~~no~~ direct communication. His further case is that he is not only physically handicapped but also suffering from various ailments for which he is receiving regular treatment at Bhadrak. Therefore, his transfer to a remote place will put him in highly adverse situation. Sri Nayak has also made certain representations to the concerned authorities praying for cancellation of his transfer which has been issued vide order dated 28.03.2013 vide Annexure-A/4 of this O.A. The latest representation from the applicant has been made to the Chief Postmaster General, Odisha Circle, (Respondent No.2) on 03.06.2013 vide (Annexure-A/8) to the O.A. But allegedly, the representation has not received the attention of the authorities and has not been disposed of.

3. Today the C.A.T. Bar Association has given the following resolution:-

“In continuation to our earlier resolution dt. 27.09.2013, the emergent extraordinary General body of C.A.T. Bar Association resolved unanimously today at

about 10.30 A.M. to continue "abstain from Court" till tomorrow afternoon (01.10.2010)."

In view of the above nobody has appeared on behalf of the Respondents.

4. However, I find that the applicant's representation praying for cancellation of transfer order has not been attended to so far by the Respondent No.2 even though this representation was preferred on 03.06.2013. Therefore, without going into the merit of this case, I dispose of this O.A. by giving a direction to Respondent No.2 to consider the representation of the applicant dated 03.06.2013 (Annexure-A/8) taking into account the various difficulties mentioned by the applicant in his representation and especially the fact that he is a physically handicapped person. His representation should be disposed of within a period of 30 days from the date of receipt of this order and result of the same should be communicated to the applicant with a reasoned and speaking order.

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

6. Send copy of this order along with paper books to Respondent No.2 for due compliance at the cost of the applicant for which Sri H.K. Nayak, the applicant undertakes to deposit the postal requisites in course of the day.



(R.C. MISRA)
MEMBER(A)