

9 **CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 841 OF 2013
CUTTACK, THIS THE 25th DAY OF July, 2014

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Pramod Kumar Nanda,
aged about 59 years,
S/o. Sri Artatrana Nanda,
Vill.- Harichandanpur Sasan,
P.O./P.S.- Narasinghpur, Dist.-Cuttack,
Presently working as Asst. Superintendent In-charge,
East Sub-Division, Cuttack,
In the campus of GPO Buxibazar,
At/PO- Buxibazar, Dist- Cuttack.

...Applicant

(Advocate(s) : Mr. T.K.Mishra)

VERSUS

1. Union of India, Ministry of Communication & IT,
Department of Post represented through its
Director General of Post,
Dak Bhawan, Sansad Marg,
New Delhi- 110001.
2. Assistant Director General, SGP,
Govt. of India, Ministry of Communication & IT,
Department of Post (Personnel Division),
Dak Bhawan, Sansad Marg,
New Delhi- 110001
3. Chief Post Master General,
Orissa Circle,
Bhubaneswar, Dist.- Khurda.

... Respondents

(Advocate: Mr. U.B.Mohapatra)

ORDER

SHRI R.C.MISRA, MEMBER (ADMN.) :

The applicant is an employee of the Department of Posts working as Assistant Superintendent (In-charge) of East Sub Division, Cuttack, has approached this Tribunal with a prayer that the order of transfer dated 10.10.2013 which is filed as Annexure-A/5 to the O.A. transferring him from Orissa circle to Assam circle in the promotional post in Postal Service Group-B Cadre may be quashed, in respect of him, and he may be posted in the Orissa circle in the Postal Service Group-B cadre.



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2. Briefly, the facts are that the applicant who was working as ASRM in the Orissa circle was promoted to Postal Service Group-B cadre and posted to Nagaland in the year 2012. He has a number of family difficulties including the old age of his father and his own health problem because of which he was not in a position to join in Nagaland, ^{and hence} therefore, made a representation on 15.01.2013 for cancelling the order of promotion. Since his representation was not considered he declined his promotion and continued to work in the Orissa circle. Thereafter, the applicant was promoted and transferred to Assam vide order dated 10.10.2013 which he has challenged in this O.A. He again made a representation dated 18.10.2013 which was pending with the Respondent No.3. The applicant has submitted that some officers in the Postal Service Group-B Cadre are going to be retired between October, 2013 and August, 2014, which means that posts are available in which he could be accommodated in the Orissa circle on promotion to Postal Service Group-B Cadre. He is going to retire on reaching the age of superannuation on 28.02.2015 and his family responsibilities are such that he should be allowed to avail ^{of} his promotional post in the Orissa circle and thereafter retire here. These are the relevant facts of this O.A.

3. The Postal Department has filed their counter affidavit in which they have repeated certain facts which were mentioned in the O.A. However, the most important fact they have mentioned in the counter affidavit is that the applicant was relieved from his post as Assistant Superintendent of Posts I/c, Cuttack East Sub Division, Cuttack on 27.01.2014 and has joined as Superintendent of Post Offices, Darrang Division, Tezpur in Assam circle on 06.02.2014. This indicates that the applicant has ^{been} ~~been~~ in the meantime, joined in his new place of posting as Superintendent of Post Offices. This


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means that the applicant has already obeyed the order of transfer and joined his promotional post as Superintendent of Post Offices in the Assam circle.

4. In course of hearing, Ld. Counsel for the applicant made a mention that although the applicant has joined his duties in the Assam circle, he has made a further representation to the Director General of Posts, i.e. Respondent No.1, on 16.06.2014 in which he has narrated the various personal and family difficulties that he has and made a request that he may be transferred to the Orissa circle considering the fact that his date of superannuation is 28.02.2015. This representation is said to be pending with the Director General of Posts. Here is a case where the applicant has already been relieved and has joined in the new place of posting even though his O.A. was pending in the Tribunal. Therefore, there is no scope for any further consideration in respect of his prayer that he has made in this O.A. However, he seems to be having genuine family difficulties for which after joining in the Assam circle he has made a further representation for his transfer to the Orissa circle. When asked whether the concerned authority will consider his further representation, Sri U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, submitted that such a representation can be considered on merit by the Respondents only subject to the condition that vacancy is available in the Orissa circle to accommodate the applicant. This, in my considered view, is a fair submission. In a case of transfer the Tribunal would not like to pass a direction because the transfer is incidental to Government service. In the present case, the applicant having already obeyed the order of transfer to Assam circle on his getting the promotional post has made a representation to the authorities for a transfer to Orissa circle in view of his personal and family difficulties so that he spends the fag end of his service career close to



his home. It will be adequate that the Tribunal directs Respondent No.1 to consider applicant's request for transfer on the basis of the extant guidelines of the Department and other administrative parameters such as availability of vacancy in the Orissa circle. In view of the fact that the superannuation of the applicant is imminent, such consideration may be done within a period of one month of the date of receipt of the order and decision may be communicated to applicant. With this direction, the O.A. stands disposed of. No costs.


(R.C.MISRA)
MEMBER (Admn.)

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