

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.88 of 2013

Cuttack, this the 5th day of March, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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

.....

Suresh Chandra Shukla,
Aged about 57 years,
S/o. Late Krushna Chandra Sukla,
Superintendent of Post Offices,
Cuttack South Division,
P.K.Parija Marg,
Cuttack-753001.
Permanent resident of
Vill.-Kumari,
P.O.-Jarka,
Dist-Jajpur

...Applicant

(Advocate(s) : Mr. P.K. Padhi.)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110116
2. Chief Post Master General
Odisha Circle,
Bhubaneswar,
Dist-Khurda-751001
3. Sri Manamohan Mohapatra,
AD (TO/BD/Mail), CO
O/o Chief Post Master General
Odisha Circle,

Wiler

Bhubaneswar,
Dist-Khurda-751001.

(Advocate: Ms.S.Mohapatra)

... Respondents

O R D E R

A.K.PATNAIK, MEMBER (I):

Heard Mr.P.K.Padhi, Learned Counsel for the Applicant and Ms.S.Mohapatra, Learned Additional CGSC for the Union of India on whom a copy fo this OA has been served.

2. The Applicant (Suresh Chandra Shukla) has filed this Original Application U/s.19 of the Administrative Tribunals At, 1985 challenging his order of transfer dated 21st February, 2013 posting him from the office of the Superintendent, Cuttack (South) Division to the Office of the y. Manager, Postal Printing Press, Bhubaneswar vice Shri R.K.Swain transferred mainly on the ground that his transfer from Cuttack would hamper the orderly manner of treatment of his daughter who is a psychiatric and is under treatment at SCB Medical College and Hospital, Cuttack.

3. It is seen that alleging difficulties to be caused in the treatment of his daughter in case he is disturbed from Cuttack to Bhubaneswar, the Applicant has submitted a representation on 21.02.2013 to the Chief Postmaster General, Odisha Circle, Bhubaneswar-751 001 who is Respondent No.2 in this OA which is still pending as submitted by Learned Counsel for the Applicant. It

has also been submitted by the Learned Counsel for the Applicant that the applicant has not been relieved till date from his present place of posting.

4. Ms.S.Mohapatra, Learned Additional CGSC appearing for the Respondents submitted that as she has received the copy only yesterday i.e. ~~yester~~ 4.3.2013 she is unable to obtain any instruction with regard to disposal of the representation and continuance of the applicant in his present place of posting and in case time is allowed she can obtain necessary instruction and apprise this Tribunal about the fate of the representation and continuance of the applicant in his present place of posting.

5. Law is well settled that transfer being an incident of service, Courts/Tribunals should be very slow in interfering on the same unless the order of transfer is proved to be made in violation of statutory/mandatory rules or mala fide exercise of power and personal difficulties are matters to be left with the competent authority to decide.

6. In view of the discussions made above and as agreed to by Leaned Counsel for the Applicant, without expressing any opinion on the merit of the matter, this Original Application is disposed of, at this admission stage, with direction to the Respondent No.2 to dispose of the representation dated 21.2.2013, if it is still pending, and communicate the result thereof, in a reasoned ^{and speaking the} order, to the applicant

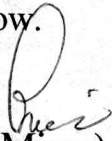
Alen

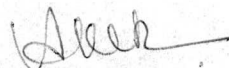
E

7

within a period of 45 days from the date of receipt of copy of this order and till then, status quo as on the date, in so far as the Applicant is concerned, shall be maintained.

7. Copy of this order along with OA be sent to the Respondent No.2 at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish the postal requisite by day after tomorrow.


(R.C.Misra)
Member(Admn.)


(A.K.Patnaik)
Member (Judl.)