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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00724/14
Cuttack this the 8th day of October, 2014

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

Niranjan Nayak
Aged about 59 years
Son of late Ghanei Nayak of Village-Nagpur
PO-Balikuda
Dist-Jagatsinghpur
Presently working as Sub-Postmaster
Borikina SO
Dist-Jagatsinghpur

...Applicant

By the Advocate(s)-Mr.D.P.Dhalasamant
Mr.N.M.Rout

-VERSUS-

Union of India represented through

1. The Director General
Department of Posts
Ministry of Communications
Government of India
Dak Bhawan
Sansad Marg
New Delhi-110 001
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar-751 001
Dist-Khurda
3. Director of Postal Services
O/o. Chief Post Master General,
Odisha Circle,
Bhubaneswar-751 001
Dist-Khurda



4. Superintendent of Post Offices
Cuttack South Division
At/PO/Dist-Cuttack-753 001

...Respondents

By the Advocate(s)-Mr.S.Barik

ORDER(ORAL)

R.C.MISRA, MEMBER(A):

Heard Shri D.P.Dhalasamt, learned counsel for the applicant and Shri S.Barik, learned ACGSC for the Respondents and perused the records.

2. It is the case of the applicant that he had earlier moved this Tribunal in O.A.No.477/14. The said O.A. was disposed of at the ~~admission~~ stage of admission on 20.06.2014, with a direction to Respondents not to relieve the applicant till 30.09.2014 as the same had been allowed by Respondent No.3. Further orders of the Tribunal were that if Respondent No.3 is bent upon transferring the applicant from the present place of posting, he is to pass an order with reasons for such exigency as to how it is for the public administration when the person is going to retire in April, 2015. With this observation the O.A. was allowed and it was made clear that if Respondent No.3 is of the opinion that the applicant has to be relieved after 30.9.2014, in that event, he is to pass a reasoned and speaking order underlining the administrative exigency which compels the administration to effect the transfer of a public servant in the wee hours of his service. It has been again brought to my notice that on 20.8.2014, Director of Postal Services



(Res.No.3) has passed a detailed order in compliance of the direction of the Tribunal and quashed the order dated 9.6.2014 of the Superintendent of Post Offices, Cuttack South Division, which was the order of transfer of the applicant and allowed the applicant to be retained in the present post of SPM, Borikina S.O. upto 30.09.2014. While the matter stood thus, on 29.09.2014, Superintendent of Post Offices, Cuttack South Division issued order relieving the applicant from the post of SPM, Borikina pursuant to order dated 20.08.2014 and in effect, applicant stood relieved with effect from 30.09.2014 (AN). This order is the subject matter of challenge in the present O.A.

3. Learned counsel for the applicant, Shri Dhalasamant has brought to my notice that this order is not in conformity with the direction of the Tribunal in the earlier O.A. wherein Respondent No.3, i.e., Director of Postal Services was categorically directed to take a view in the event the applicant was to be relieved after 30.09.2014 and pass a reasoned and speaking order in this regard. In the present case, no such speaking order has been passed by Respondent No.3, instead, Respondent No.4 on his own has passed order relieving the applicant with effect from 30.9.2014(AN).

4. I have considered the submissions made by the learned counsel for both the sides. Prima facie, I find that the grievance of the applicant is



vindicated by the records. First of all, when the direction of the Tribunal was clearly that a speaking order has to be passed by Respondent No.3 if he is of the opinion that after 30.09.2014, applicant has to be relieved, however, in the present case no such order has been passed. Secondly, order of transfer dated 09.06.2014 having been quashed by Respondent No.3 vide its order dated 20.08.2014 ^{as per orders of the Tribunal} is no longer in existence and therefore, there is no place of posting as such indicated for the applicant. Therefore, I am of the opinion that Respondent No.4, without any authority, ought not to have passed such an order inconsistent with the orders of this Tribunal. At best, he could have referred the matter to Respondent No.3 in view of the direction of this Tribunal to pass an order after 30.09.2014.

5. In view of the above position, order dated 29.09.2014(A/5) issued by Respondent No.4 without any authority is liable to be quashed and accordingly, the same is quashed. The matter is, therefore, remitted back to Respondent No.3 to pass an order in strict conformity with the orders of this Tribunal in O.A.No.477/14, keeping in view the administrative exigency which compels the administration to effect transfer, as has been observed therein. Till a decision is taken by Respondent No.3 and communication in



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this regard made, the applicant shall be allowed to continue as SPM,
Borikina SO.

With the above observation and direction, the O.A. is allowed. No
costs.

R.C.MISRA
(R.C.MISRA)
MEMBER(A)

BKS

