

Central Administrative Tribunal, Lucknow Bench
Lucknow

O.A. No. 276/2011

This, the 26th day of July, 2011

Hon'ble Justice Shri Alok Kumar Singh, Member (J)
Hon'ble Shri S. P. Singh, Member (A)

Narendra Pratap Singh, aged about 38 years S/o Shri Ram Achal Singh, R/o 7/201, Deepak apartment, Sahara Estate, Jankipuram, Lucknow.

Applicant.

By Advocate Shri R. S. Chauhan.

Versus

1. Union of India through Secretary, Ministry of Communication & IT, Department of Posts, Dak Bawan, New Delhi.
2. Secretary, Ministry of Communication, Department of Telecommunications, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
3. chief engineer (Civil), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi
4. Superintending Engineer (Civil), Harsh, Department of Posts, Dak Bhawan, New Delhi.

Respondents.

By Advocate Shri S. P. Singh.

Order (Dictated in Open Court)

By Hon'ble Justice Shri Alok Kumar Singh, Member (J)

M. P. No. 1742/2011: This is an application for taking short counter affidavit on record. Allowed. It is taken on record.

2. In the backdrop of order passed by this Tribunal on 11.7.2011, 12.7.2011 and lastly on 13.7.2011, it is said that the main grievance of the applicant was that though he has been absorbed in BSNL, but the present department of Post was not relieving him to join in BSNL. Instead they passed the impugned transfer order dated 8.6.2011 by means of which he was transferred from Lucknow to Nagpur.

3. There is no quarrel on the point that only relief which is left to be adjudicated in the present O.A. is that to set aside the impugned order dated 8.6.2011. The rest of the reliefs have not been pressed on behalf of the applicant on 11.7.11.

4. After taking the short counter affidavit on record, learned counsel for the applicant wanted time to file RA whereas, the

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learned counsel for the respondents submits that there is no need to keep pending this O.A. itself because, the main grievance of the applicant has been redressed and competent authority i.e. Chief engineer (Civil), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi, OP No. 3 has decided to relieve the applicant from the present place of posting so that he may join in the BSNL. From the other side, it is pointed out that no such written order has been brought on record and secondly, the impugned transfer order dated 8.6.2011 has not been formally cancelled. In reply to this, learned counsel for the respondents says that in view of interim order passed by this Tribunal for not taking any coercive action in relieving him, the impugned transfer order could not be formally rejected. There is no explanation as to why written order for relieving him from Postal Department has not been passed so that the applicant may join to BSNL. It is also pointed out on behalf of the applicant that whatever interim protection was given by this Tribunal, it was for refraining the respondents from taking any coercive action in relieving the applicant for joining at Nagpur where he was transferred vide order dated 8.6.2011.

5. From the above, it appears that there is some unfounded confusion.

6. In the backdrop of the aforesaid facts we feel that this O.A. can be disposed off finally at this stage with some directions and both the learned counsels have no objection.

7. Accordingly, this O.A. is finally disposed of with the following directions:

(i) The impugned transfer order dated 8.6.2011 shall be cancelled so for it relates to the applicant:

(ii) A formal order in writing shall be passed by OP No. 3 and 4 for relieving the applicant form the Department of Post, (Civil) so that he may joinⁱⁿ in the BSNL where he has been permanently absorbed.

These orders shall also be passed expeditiously by the respondents

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and till then, the applicant shall remain posted in the present place of posting at Lucknow.

No order as to costs.

S.P.S.
26.7.11
(S. P. Singh)
Member (A)

Alok Kumar Singh
26.7.11
(Justice Alok Kumar Singh)
Member (J)

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