

**Central Administrative Tribunal Lucknow Bench
Lucknow**

Original Application No. 433 /2012

This the 7th day of December, 2012

Hon'ble Sri D. C. Lakha, Member (A)

Surya Bhan Singh, aged about 48 years, son of Late Lal Bahadur Singh, resident of Village and Post Bhoje (Gaura Jamo District-Chhatrapati Sahuji Mahraj Nagar.

Applicants

By Advocate Sri H. D. Singh.

Versus

1. Union of India through Secretary, Ministry of Postal, New Delhi.
2. Chief Post Master General, Lucknow, UP.
3. Superintendent of Post Offices, Division-Sultanpur.
4. Assistant Superintendent of Post Offices, Sub Division, Amethi.
5. Miss Sanju Singh daughter of Shri Surendra Praap Singh resident of Village and Post-Mau District Chhatrapati Sahuji Mahraj Nagar.

Respondents

By Advocate Sri Ganga Singh.

Order (Dictated in Open Court)

By Hon'ble Sri D. C. Lakha, Member (A)

Heard counsel for the parties.

2. The order under challenged in this O.A. is the transfer order of 16.10.2012, which according to the applicant, is affecting the posting of the applicant. Undisputed fact is that the applicant is originally posted as GDS-MC/MD at Bhoje. It is also stated in the O.A. that he has also been officiating as BPM at the same place, which post was fallen vacant since 2004 on retirement of the then occupant of the post. It has been alleged in the contention of the learned Advocate for the applicant that by issuing this order of three persons (impugned), Miss Sanju Singh has been posted as BPM at Bhoje. Earlier to that, vide order dated 21.6.2006, Sri R. K. Srivastava was posted at Bhoje (Gaura Jamo) as GDS MC/MD. It has been alleged that by virtue

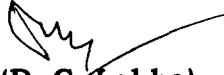


of the order dated 21.6.2006 as well as the order dated 16.10.12, the applicant is neither left with the substantive post nor officiating post. In this situation, the impugned order calls for reconsideration and modification clarifying the position of the applicant.

3. Although, the learned counsel for the respondents is ready with the CA, which may be filed in the office yet it is stated on behalf of the respondents that there is a minor point involved in this O.A which can be settled if direction is given to the concerned respondents to reconsider the impugned order of 16.10.12 and modify clarifying the position of the posting of the applicant. This is agreed too by the counsel for the applicant.

4. In view of the facts, in brief, as stated above and the submission of both the learned counsels, I deem it just and proper to direct the respondent No. 3 who is said to be the competent authority in this case, to reconsider the impugned order and after clarifying the situation of the applicant, order with respect to the applicant be passed by way of modification within a period of two weeks on receipt of the certified copy of this order.

5. In view of the above, the OA stands disposed of at the admission stage. No costs.


(D. C. Lakha)
Member (A)