

In the Central Administrative Tribunal,

Patna Bench, Patna.

Registration No. OA 499/96 with MA 237/96

1./ 16.10.96.

Shri Chakrapani, the learned counsel for the applicant.

Heard learned counsel appearing on behalf of the applicant who challenged the impugned order of transfer dated 9.10.96 as at Annexure A/16 passed by an Officer on behalf of Postmaster General, Northern Region, Muzaffarpur by which the applicant has been transferred from the post of S.A. R.M.S. 'U' Division Muzaffarpur ~~showed~~ <sup>on deputation as P.A. (C.O.) of PMG</sup> to his original post R.M.S. 'U' Division, Muzaffarpur with immediate effect. The matter has come up before me on hearing at 3.00 P.M. on the motion made by the learned counsel for the applicant. No copy of notice with respect to the prayer of stay has been served to the learned ~~xxx~~ Sr. Standing Counsel for the respondents. But the learned counsel for the applicant submits that the copy of application was tendered to the learned Sr. Standing Counsel of the respondents but he did not receive the same. Considering the urgency, I allow the prayer for motion of the learned counsel for the applicant at 3.00 P.M.

2. Heard learned counsel for the applicant on the prayer of stay. It is submitted by the learned counsel for the applicant that the applicant's case is pending for consideration for regular appointment in the cadre

of Postal Assistant in the office of the Post-Master General, Northern Region, Muzaffarpur. I have gone through Annexure A/16. Prima facie I am satisfied that the applicant being on deputation has no right to hold the post of Postal Assistant. So I am not inclined to grant stay in this case as prayed for. However, the applicant had made representation to the Chief Postmaster General vide Annexure A/18 dated 11.10.96. In view thereof Shri A.K. Chakravarthy, the Chief Postmaster General, Bihar Circle, Patna is directed to consider his representation and to pass reasoned order with open mind on the representation as at Annexure A/18 in order to avoid any undue hardship to the applicant. So with this observation, the prayer for stay is rejected. The order alongwith representation dated 11.10.96 as at Annexure A/18 may be sent to the Chief Postmaster General for consideration in view of the observation made above. This application is accordingly disposed of.

/CBS/

  
(D. Purkayastha)  
Member (J)