

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 279 OF 2006[Patna, this Wednesday, the 3<sup>rd</sup> Day of May, 2006].C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Arun Kumar Shukla, son of Late Raj Kishore Shukla, Sorting Assistant, H.R.O. RMS 'U' Division, Muzaffarpur, residing in Type III Quarter No. 11, P&T Colony, Muzaffarpur, P.S.: Mithanpura, District : Muzaffarpur.

By Advocate :- Shri I. D.Prasad......APPLICANT.

Vs.

1. The Union of India through the Secretary, Government of India, Ministry of Communication, Department of Posts, New Delhi-cum-The Director General, Department of Posts, India, Dak Bhavan, New Delhi-111 001.
2. The Chief Postmaster General, Bihar Circle, Patna-800 001.
3. The Director of Postal Services, Northern Region, Muzaffarpur-842 002.
4. The Superintendent RMS 'U' Division, Muzaffarpur-842 001.
5. The Head Record Officer, HRO RMS 'U' Division, Muzaffarpur – 842 001.

.....RESPONDENTSBy Advocate :- Shri M. K. Mishra, SSC.O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard learned counsel for the applicant and Shri M.K.Mishra, learned Sr. Standing Counsel appearing on behalf of the respondents.

2. This is an application against transfer of the applicant from the Head Record Office, RMS 'U' Division, Muzaffarpur to SMO, RMS 'U'

Division, Siwan vide memo dated 28.02.2006. The applicant is presently posted as Sorting Assistant at Muzaffarpur. Admittedly, his department had lodged a FIR against him with the GRPS, Muzaffarpur and it is averred in the application that the Incharge Officer of GRPS, Muzaffarpur had taken a personal bond from the applicant stipulating that the applicant would not leave the headquarters at Muzaffarpur without his prior permission which fact was known to the respondents. A copy of personal bond is at Annexure-A/2.

3. Admittedly, a departmental proceeding had been initiated against the applicant and inquiry is going on at Muzaffarpur. Learned counsel submitted that his transfer at this stage would cause him difficulties and harassment in attending the sittings of the departmental inquiry.

4. My attention has been drawn towards Annexure-A/4, a representation filed by the applicant before the Postmaster General [North] at Muzaffarpur against his transfer giving out the grounds. Learned counsel submitted that though this representation has been filed, no order has been intimated to the applicant.

5. Learned counsel for the applicant also pointed out that under provisions of Rule 66 of P&T Manual [Vol. III] it has been contemplated that if a departmental proceeding is initiated against an employee, he should not be transferred out of the jurisdiction of the disciplinary authority who is to conduct the departmental proceeding. It is submitted that he has been transferred outside the jurisdiction of his disciplinary authority.

6. The learned counsel representing the respondents submitted that a representation of the applicant is pending, hence this application is



premature.

7. Be that as it may, this is a matter of transfer and a representation against that is pending before the competent authority. It is always desirable that such representation should be disposed of at the earliest.

8. In that view of the matter, this application is disposed of directing the respondent concerned, who is to decide the representation of the applicant, to consider the same and dispose that of by a reasoned order within three weeks of receipt of a copy of this order. The applicant is also directed to make available a copy of this order and a copy of the OA with annexures to the respondent concerned within a week of receipt of the certified copy of the order.

9. With the aforesaid directions, this application is disposed of.

10. It is made clear that this Tribunal has expressed no opinion upon the merit of the contentions raised on behalf of the applicant.

  
[P. K. Sinha]/VC

skj.