

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No. 30 of 2006

Patna, dated the 17th January, 2006

CORAM: The Hon'ble Mr. Justice P.K.Sinha, VC

Radha Shyam Roy, son of Sri Ram Sharan Roy, Village & PO Habidih, PS Baheri, District Darbhanga.

Applicant

By Advocate : Shri J.K.Karn.

Versus

1. The Union of India through the Secretary-cum-DG, Department of Posts, New Delhi.
2. The Postmaster General, Northern Region, Muzafdfarpur.
3. The Superintendent of Post Offices, Darbhanga Division, Darbhanga.
4. The Assistant Superintendent of Post Offices, East Sub-Division, Darbhanga.

Respondents

By Advocate .. Shri D. Surendra

O R D E R

Justice P.K, Vice-Chairman:-

Heard the learned counsel for the applicant and Shri D. Surendra, learned Additional Standing Counsel representing the respondents. This applicant seeks quashing of Memo No. A1-



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Habidih dated 4.1.2006 issued by respondent no.4, the Assistant Superintendent of Post Offices, East Sub-Division, Darbhanga, as at Annexure-A/4, whereby the applicant, working as GDSMD at Habidih Branch Post Office, has been ordered to work against the post of GDSMC at Bahera Banipur Line, alleged to have been issued in violation of departmental rules and settled principles.

2. The learned counsel for the applicant submits that an ED Agent cannot be transferred except under certain circumstances as mentioned in Swamys' Service Rules for Postal Gramin Dak Sevak 9th Edition at pages 107-108 relating to transfer of ED Agents. The learned counsel also submits that soon after receiving the order, he had filed a representation to the respondent no.3, the Superintendent of Post Offices, Darbhanga Division, Darbhanga, against the transfer which is still pending and has not been disposed of but, in the meantime, the Assistant Superintendent of Post Offices, East Sub-Division, Darbhanga, has issued order cancelling the leave of the applicant, directing him to join the new place of posting despite the fact ^{that} his representation was still pending. The learned Additional Standing Counsel points out that representation at Annexure-A/5 was filed on 13.1.2006 and would be disposed of in due course.

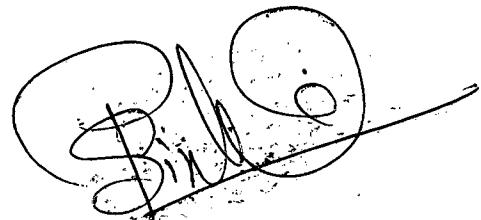
3. When a representation against transfer has been filed to a higher authority, that should be first disposed of before the Tribunal ^{is called upon to} go into the merit of the case. The OA is, therefore, disposed of by directing respondent no.3, Superintendent of Post Offices, Darbhanga Division, Darbhanga to consider the



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representation filed by the applicant at Annexure-A/5 and to pass a reasoned order thereupon within a period of one month of the receipt of the copy of this order. The applicant is also directed to provide to the respondent no.3 a copy of this order with a copy of the application with annexures within fifteen days of the receipt of the certified copy of the order.

4. Till the representation at Annexure-A/5 is disposed of, the order at Annexure-A/4 will remain stayed. The OA is disposed of.



[P.K.Sinha]
Vice-Chairman

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