

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 045/00106/2018

Date of Order: This, the 11th day of September 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Sri Rohit Prasad, Postal Assistant
Aged about 49
Lumla, SO, Vill. & P.O. Lumla
District Tawang, Arunachal Pradesh
Presently posted at SPM
Tawang, Arunachal Pradesh

...Applicant

By Advocates: None

-Versus-

- 1 The Union of India
 Through the Secretary
 Ministry of Communication, Dak Bhawan
 New Delhi-110001.
- 2 The Chief Post Master General (Staff)
 Department of Post
 North East Circle, Meghalaya
 Shillong-793001.
- 3 The Director of Postal Services
 Arunachal Pradesh Division
 Department of Posts
 Itanagar-791111.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

Being aggrieved for arbitrary acts and deeds of the respondent authority for not releasing the applicant, he preferred the instant O.A. seeking the following reliefs:

- “8(i) Direction to the respondent no. (2) i.e. the Chief Post Master General, NE Circle, Shillong to approve the inter circle transfer of the applicant to Azamgarh/Gorakhpur Division, Uttar Pradesh Circle under Rule 38 of P&T Manual Vlo. IV within time frame.
- (ii) Direction to the respondent No.(3) i.e. the Director of Postal Services, Arunachal Pradesh Division to release the applicant within time frame on approval of the Chief Post Master General, NE Circle, Shillong for inter circle transfer of the applicant to Azamgarh/Gorakhpur Division, Uttar Pradesh Circle under Rule-38 of P & T Manual Vol. IV.
- (iii) Direction to the respondents to take all steps for releasing the applicant to Azamgarh/Gorakhpur Division, under Uttar Pradesh Circle under Rule-38 of P & T Manual Vol –IV without any further delay.
- (iv) Any appropriate order or Direction to give full and effective relief's to the applicants.”

2. When the matter was called up, neither the applicant nor the counsel for the applicant appeared.

However, learned Addl. CGSC for the respondents Mr. S.K. Ghosh appeared.

3. From the perusal of the pleadings and documents annexed in the O.A. thereto, it is noted that applicant was initially posted at Roing as LRPA, Postal Assistant on 23rd August 1996. Subsequently, he was transferred and posted at various places of Arunachal Pradesh till date. While the applicant was posted at Mebo, SO, Arunachal Pradesh in the year 2005, he had applied for inter circle transfer from Arunachal Pradesh to Uttar Pradesh Circle under Rule 38 of Post and Telegraph Manual Vol-IV on the ground of the ill health of his old aged mother which was forwarded by the Director of Postal Service, Arunachal Pradesh, Itanagar to the Post Master General, N.E. Circle, Shillong. Thereafter, he again submitted an application on 18.08.2008 under the same rule as stated above for inter circle transfer from N.E. Circle to Uttar Pradesh Circle.

4. Further it is noted that applicant also made representation before the respondent No. 2 on 04.12.2008 with a request to consider his case under Rule 38 transfer on compassionate ground. However, during pendency of the several representations of the applicant, the respondent authority vide letter dated 09.05.2013 had published a list of

officials whose inter-circle transfer under Rule 38 has been approved wherein the case of much more junior of the applicant was approved.

Thereafter, the applicant submitted another representation on 29.08.2014 before the respondent No. 2 with a request for inter circle transfer as per Rule-38 of Transfer and Posting as well as to confirm him the present status of his case. In spite of submission of several representations, no any positive action has been taken by the respondent Nos. 2 & 3 for release of the applicant.

4. Mr. S.K. Ghosh, learned Addl. CGSC for the respondents however, submits that he has no objection if a direction is issued to the respondent authorities to dispose of the pending representations of the applicant dated 04.12.2008 as well as 29.08.2014 by considering his reliefs as prayed in the O.A. within a period of four months.

5. In view of the above and by accepting the prayer made by the learned Addl. CGSC for the respondents, I direct the respondent authorities to dispose of the pending representations dated 04.12.2008 as well as dated 29.08.2014 and consider the reliefs as prayed by the applicant in the O.A.

within a period of four months from the date of receipt copy of this order.

6. O.A. stands disposed of. No order as to costs.

(MANJULA DAS)
MEMBER (J)

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