

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00912/2016

Date of order : 20.6.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

TAPAN GAYEN

VS

UNION OF INDIA & ORS. (POSTS)

For the applicant : Mr.A.Chakraborty, counsel

For the respondents : Ms.P.Goswami, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2 The applicant serving as PA at Midnapore Head Office on deputation at Nutanbazar Sub Office is aggrieved with an order dated 13.5.16 issued by Sr. Superintendent of Post Offices transferring him as SPM Doijuri Sub Office at Jhargram. On 16.5.16 the applicant preferred a representation to the Sr. Superintendent of Post Offices seeking re-consideration for posting at Midnapore Town on the ground that his wife is a School Teacher of Mission Girls' High School, son is staying abroad and his presence at Midnapore is essential. His transfer to Doijuri Sub Office will severely damage his family life.

3. Ld. Counsel for the applicant during the course of hearing placed the DOPT OM dated 23.8.04 which enjoins as under :

"Where one spouse is employed under the Central Government and the other spouse is employed under the State Government - The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station, or if there is no post in that station, to the State where the other spouse is posted."

Citing the aforesaid the Ld. Counsel vociferously submitted that it is the policy of the Government to post husband and wife at the same station to enable them to live a normal life to ensure the education and welfare of the

children and such provisions are mandatory in nature which should be scrupulously followed.

Ld. Counsel for the respondents on the contrary submitted that the applicant served at Midnapore since 1997.

4. Ld. Counsels were heard. Materials on record were perused.

5. Since a representation is preferred to the Sr. Superintendent of Post Offices only on 16.5.16 and the same is not yet disposed of, in my considered opinion justice will be met if the OA is disposed of with a direction upon the said authority to consider the prayer and pass appropriate reasoned and speaking order in accordance with law.

6. Accordingly it is ordered that the representation dated 16.5.16 be disposed of by respondent No.3 with a reasoned and speaking order within one month from the date of communication of this order.

7. Till such time the applicant shall not be compelled to join the place of transfer.

8. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

in