

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00470/18

Date of Order: 25.01.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Birendra Kumar Ghosh, S/o Late Jageshwar Ghosh, resident of Village & P.O.- Bela,
Via-Jai Nagar, PS- Jainagar, District- Madhubani.

..... Applicant.

- By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the Director General Cum Secretary, Government of India, Ministry of Communications & IT, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna- 800001.
3. The Post Master General, Northern region, Muzaffarpur- 842002.
4. The Superintendent of Post Offices, Madhubani Division, Madhubani- 847211.

..... Respondents.

- By Advocate(s): - Mr. G.K. Agarwal.

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:- The case of the applicant is that he had asked for transfer from the post of GDSBPM at Pariharpur Branch PO (in account with Raj Nagar Sub Post Office) to the post of GDSBPM at Kamlabari Branch Post Office (in account with Jay Nagar Sub Post Office) on Medical grounds. He had approached this Tribunal with the same request through OA/50/00113/2015, which was disposed of with a direction to the respondents to consider his request in the light of their own circular, as expeditiously as possible, and till then, to keep the employment notice to

fill the post of GDSBPM at Kamalabari Branch in abeyance. However, no decision has been taken on the applicant's request so far. He has further suffered serious ailment and has approached this Tribunal again to direct the respondents to consider his claim as directed by this Tribunal earlier.

2. The respondents deny that they have violated the orders of this Tribunal. They allege that as directed by the Tribunal, the post at Kamalabari is still kept vacant. The medical certificate produced by the applicant was not found in order and therefore they had asked the appellant to produce the required certificate in proper format, which he has still not produced. The respondents have accepted that because of non-receipt of this, the decision on the request of applicant for his transfer is not yet finalized and the post is still kept vacant.

3. We have gone through the pleadings and have heard the parties. The order issued in the earlier OA (mentioned above) is reproduced below: -

“ In course of argument, learned counsel for the napplicant submitted that he had made a representation which is pending before Chief Postmaster General, Bihar Circle, Patna. Hence instead of adjudicating the matter, the OA is disposed of at pre-admission stage with a direction to Respondent No. 2 to consider the grievance of the applicant in the light of their own circular, as expeditiously as possible and till then the employment notice dated 22.01.2015 [Annexure-A/5] for filling of the post of Gramin Dak Sevak Branch Post Office, Kamalabari Branch Post Office be kept in abeyance in order to avoid multiplicity of litigation. It is expected that the Respondent no. 2 shall consider the medical compulsion of the

applicant if it is found to be genuine and the present OA may be treated as an additional representation.”

4. The order is very clear and the respondents, by their own admission are yet to fully comply with it. Though no specific timeline and explicit instruction to pass a speaking order was given, the respondents should have considered the grievance of the applicant in the light of their own circular, as expeditiously as possible. On going through the pleadings we do not, prima facie, find their having done so. However, for some (obvious, technical) reasons, the applicant has not filed any contempt petition but have chosen to approach us again with this OA. Hence, we have no other option but to reiterate our earlier directions quoted above. We further direct the respondents to pass a reasoned and speaking order, after giving adequate opportunity to the applicant to present any supporting documents that they require, accepting or rejecting the applicant’s request. This should be done within 2 months from the receipt of this order. No orders for costs at this stage.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member