



सत्यमेव जयते

न्यायालय मुख्य आयुक्त निःशक्तजन  
Court of Chief Commissioner for Persons with Disabilities  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
Ministry of Social Justice & Empowerment  
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.159/1022/10-11

Dated:-07.02.2014

**In the matter of:**

Ms. Mridujyoti Gogoi,  
Postal Assistant,  
North Lakhimpur Head Post Office,  
North Lakhimpur,  
Assam – 787 001.

..... Complainant

Versus

Superintendent of Post Offices,  
(Superintendent),  
Dibrugarh Division,  
Dibrugarh – 786 001.

.... Respondent

**Date of hearing : 07.01.2014**

**Present :**

1. Shri Simanchal Kar, Superintendent of Post Offices on behalf of Respondent.
2. None on behalf of complainant.

**O R D E R**

The above named complainant, a person with 70% locomotor disability filed a complaint dated 18.01.2012 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding her transfer from North Lakhimpur, Dhakuakhana to Dhemaji.

2. The complainant submitted that she is a person with disability and working as a Postal Assistant at Dhakuakhana Sub Post Office. She is a resident of Dhemaji District and it is very painful for her to stay at Dhakuakhana due to her poor physical condition. She applied to Superintendent of Post Offices, Dibrugarh Division again and again to transfer her near her native place Dhemaji but she was transferred to North Lakhimpur Head Office which is more distantly located from her native place Dhemaji than Dhakuakhana. She further submitted that she is fully dependent on the support of her parents for her daily chores. As her parents are living at her native place Dhemaji, she requested for her transfer there i.e. Dhemaji from Dhakuakhana.

3. As per DoP&T's OM No.AB14017/41/90-Estt.(RR) dated 10.5.1990 and OM No. AB14017/16/2002-Estt.(RR) dated 13.3.2002, the physically handicapped employees may be given posting as far as possible subject to administrative constraints near their native place or in the region.

.....2/-

4. The matter was taken up with the Superintendent of Post Offices, Dibrugarh Division, Dibrugarh vide this Court's letter dated 20.03.2013 and followed by reminders dated 06.11.2013.

5. As no response was received from the respondent despite letters dated 20.03.2013 and 06.11.2013, the case was scheduled for hearing on 07.01.2014.

6. In the meanwhile, a letter No. DODR/CAT Case/M Gogoi/2012 dated 19.11.2013 (received in this Court on 29.11.2013) vide which Superintendent-Posts, Dibrugarh Division, Dibrugarh submitted that Miss Mridujyoti Gogoi, Postal Assistant of their Division has filed a CAT case versus UOI & Ors. Its O.A. No.23/2012 is in connection with transfer to North Lakhimpur Head Office instead of Home District. In this regards, the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati directed the undersigned to dispose the case by way of the speaking order in its judgment. The speaking order was issued on 27.02.2012 vide their office letter of even number dated 27.02.2012. Now, Miss Mridujyoti Gogoi, Postal Assistant, North Lakhimpur H.O. of their Division did not file any petition in this matter. Hence, the case may kindly be treated as closed.

7. The complainant further vide her e-mail dated 03.01.2014 expressed her inability to appear before this Court because due to her physical disability, any kind of long journey is very difficult and painful for her. Moreover, she was suffering from acute stomach pain from last week. Therefore she prayed to consider her situation with sympathy.

8. On the date of hearing on 07.01.2014, reiterating the written submissions, the representative of the respondent highlighted about the large number of complaints from public against the complainant which were received both in Lakhimpur and Dhakuakhana. He also narrated the locations of the posting of the complainant in sequential order and referred to the Order of the Guwahati Division of the Central Administrative Tribunal in O.A. No. 23/2012 in compliance with which the Superintendent of Post Offices, Dibrugarh Division issued a speaking order dated 27.02.2012 He also submitted some newspapers clippings regarding complaints against the complainant to corroborate his submissions. In response to a query, he also pointed out that the distance of Dhemaji from Lakhimpur is not that much and many people do commute between Lakhimpur and Dhemaji on regular basis.

9. It would be in the fitness of things for this Court to observe that since the Superintendent of Post Offices, Dibrugarh Division has already passed a speaking order in compliance with the order of the Guwahati Bench of Central Administrative Tribunal dated 27.02.2012, there is nothing left for this Court to decide. However, in case the complainant still feels aggrieved by the CAT Order and by the subsequent speaking order of the Superintendent of Post Offices, Dibrugarh Division, she is free to approach a higher forum for redressal.

10. The case is disposed off with the above directions.

Sd/-  
**( P.K. Pincha )**  
Chief Commissioner  
for Persons with Disabilities