

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

02/03/2020

O.A./260/103/2020

BYASADEV DEEP

-V/S-

ALL INDIA RADIO

ITEM NO:11

FOR APPLICANTS(S) Adv. :

Mr. T. Rath

FOR RESPONDENTS(S) Adv.:

Mr. G.R. Verma

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>The case of the applicant is that he has been relieved on 28.02.2020 in pursuance to the transfer order dated 16.07.2018 (Annexure-A/3) by which he was transferred from Bhawanipatna to Sambalpur. Learned counsel for the applicant submits that his case is covered by the O.M. dated 08.10.2018 (Annexure-A/7) since he has a mentally challenged son with 75% disability as per the medical certificate at Annexure-A/5.</p> <p>Learned Counsel for the Respondents objected for filing of the O.A. on the ground of delay since the transfer order was issued on July, 2018. The applicant's counsel submitted that applicant has been relieved only on 28.02.2020 in pursuance to said transfer order.</p> <p>In view of the above submissions, the applicant's case should have been considered for exemption from transfer as per the Annexure-A/7. Since he has been relieved in the meantime, this O.A. is disposed of by</p>

granting liberty to the applicant to file a fresh representation before Respondent No.3/competent authority by filing relevant documents and copy of Annexure-A/7 including the medical certificate regarding disability of his son within a period of one week so that the authorities shall exercise their due discretion with regard to Rules for modification of the transfer order and continuation of his posting at Bhawanipatna. Thereafter, if such representation is filed, the Respondent No.3/competent authority shall consider and dispose of the same in accordance with the rules governing the field by passing a reasoned and speaking order under intimation to the applicant within a period of two months from the date of receipt of the representation from the applicant.

It is made clear that till such period, no disciplinary action should be taken against the applicant for not joining in the new place of posting. Further, if the applicant requests to be continued in Bhawanipatna till disposal of his representation, such request will be considered by the Respondent No.3 as per rules if no reliever has joined against his post at Bhawanipatna.

The O.A. is disposed of accordingly without going into the merit of this case.

Applicant will have liberty to send copy of this order along with copy of the paper books and the representation to Respondent No.3/competent authority.

Copy of this order to Ld. Counsels for both the sides.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

kb