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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.



Original Application No.112 of 1986.

Date of Decision : 18.9.1986.

Nimai Charan Panda Petitioner
M/s P.Palit, R.Mohapatra,
S.K.Sanganeria, A.K.Bhagat &
B.Mohanty, Advocates. For Petitioner .

Versus
Union of India, represented by the
Director, Aviation Research Centre
and others ... Respondents.
Mr. A.Mishra, Standing Counsel ... For Respondents.

C O R A M :

THE HON'BLE MR. B.R.PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

J U D G M E N T

K.P.ACHARYA, MEMBER (J), This is an application under section 19 of the Administrative Tribunals Act, 1985 praying before this Tribunal to quash the order of transfer passed by the concerned authorities transferring the petitioner from Charbatia to Chakrata of Utter Pradesh .

2. The application is being resisted on behalf of the respondents and in paragraph-1 of the counter filed on behalf of the respondents, it is mentioned as follows :

" The applicant has not filed any application against any particular order and there is no order of transfer of the applicant as yet."

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3. Mr. Palit, learned counsel appearing for the petitioner urged before us that even though the petitioner has not physically received a copy of the order of transfer sending him out to Chakrata, yet the petitioner has positive information that he has been transferred in gross violation of the guidelines laid down by the Central Government in the matter of transfer of employees of this particular institution to outside stations. We do not propose to go into the details and the objection raised by the learned Standing Counsel Mr. Misra that the filing of the application is pre-mature because no transfer order has been served on the petitioner. Without going to all these details, we would like to dispose of this case on a very short point and it is as follows :

We have already stated that in the counter affidavit in paragraph-1, it is maintained on behalf of Respondent Nos. 4 and 5 that no transfer order has been yet passed and further more it was orally submitted before us by the learned Standing Counsel Mr. Misra that instruction received by him from Respondent No.4 is that no transfer order has been received so far the present petitioner is concerned and therefore we take it that the petitioner has not been yet ordered to be transferred from Charbatia to Chakrata .Hence there is substantial force in the contention of Mr. Misra that the apprehension on the part of the petitioner is not tenable and far fetched. Therefore , the case is

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accordingly disposed of but there will be no order as to costs. This will not operate as resjudicata in future.

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Member (Judicial):

B.R.PATEL, Vice Chairman,

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Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench, Cuttack-1
September 18, 1986/ D.C.Roy.