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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No.168 OF 1987

Date of decision .. July 30, 1987

Baladeb Mishra .. Applicant.

Versus

Union of India & others .. Respondents.

M/s Dr. S.C.Dash, B.K.Patnaik
and R.Ch.Rout, Advocates .. For Applicant.

Mr. A.B.Misra, Sr. Standing
Counsel (Central) .. For Respondents.

C O R A M :

THE HON'BLEMR. B.R. PATEL, VICE CHAIRMAN

A N D

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

1. Whether reporters of local papers
may be allowed to seethe judgment? Yes .
2. To be referred to the Reporters or not ? *Ans.*
3. Whether Their Lordships wish to
see the fair copy of the judgment ? Yes .

JUDGMENT

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K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Central Administrative Tribunals Act, 1985, the petitioner who is the Station Director of All India Radio, Sambalpur seeks to challenge the order of transfer passed by the competent authority transferring the petitioner from Sambalpur to Itanagar.

2. Shortly stated, the case of the petitioner is that he is the Station Director of All India Radio posted at Sambalpur. The petitioner, vide Annexure-1 dated 2.6.1987 has been transferred to Itanagar. It was pleaded, inter alia, in the application under section 19 of the Act that he has been recently posted at Sambalpur and the order of transfer which is under challenge passed by the competent authority would create lot of difficulties for the petitioner. Further case of the petitioner is that due to his short stay at Sambalpur he would undergo immense difficulties on being transferred to Itanagar because education of his children would be seriously affected and there would be other personal difficulties on his part to immediately move to Itanagar. Hence it is prayed by the petitioner to quash Annexure-1.

3. In their counter, the respondents-Opposite Parties maintained that in usual course the order of transfer has been passed for administrative convenience and therefore the order of transfer shouldnot be interferred with.

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4. We have heard Dr. Dash, learned counsel appearing for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel (Central) for the respondents on this point. Studies of the children being affected has actually weighed in our mind and we feel that the transfer of an officer at the present moment may create some sort of difficulty for him. Dr. Dash very fairly submitted that the petitioner would move out from Sambalpur soon after the Puja vacation. We think this is a very fair concession. In the circumstances stated above, we would direct the order of transfer passed under Annexure-1 to remain in abeyance till 15.10.1987 and the petitioner should handover charge of his present office in the afternoon of 15.10.87 and thereafter move to Itanagar.

5. It was submitted by Dr. Dash, learned counsel for the petitioner that despite this order passed by this Bench, discretion also be given to the competent authority that if they so like, they may allow the petitioner to remain at Sambalpur or adjust him at any other suitable place which the competent authority deems fit and proper. We have no objection. By this judgment we do not fetter the discretion of the competent authority.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

Leave apply.
..... 30.7.87
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

Ansar 30.7.87
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Vice Chairman.