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

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J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant seeks a remedy praying therein to quash the order passed vide Annexure-3 and to pass an order that the applicant and those who are similarly circumstanced not to be transferred to Dhenkanal Telegraph Engineering Division.

2. Shortly stated, the case of the applicant is that Dhenkanal Telegraph Engineering Division has been created at Dhenkanal and vide Annexure-3 some incumbents have been ordered to be retained at Cuttack in consequence of which the petitioner apprehends to receive an order of transfer to Dhenkanal. The petitioner has not been ordered to be transferred under Annexure-3 but he apprehends that such an order may be passed. It is under these circumstances this application has been filed claiming the relief mentioned above.

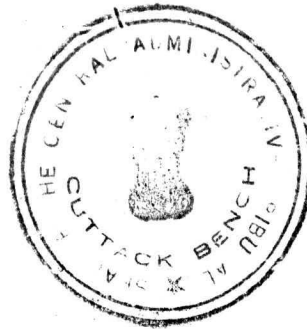
3. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A.B. Misra, learned Senior Standing Counsel (Central) for the respondents at some length. Learned Sr. Standing Counsel told us that as yet there is no proposal for transferring the petitioner to Dhenkanal. In such circumstances, we feel that there is no cause of action arising in favour of the petitioner especially in view of the above statement made by the learned Senior Standing

Counsel and therefore we hold that the application is premature which is accordingly disposed of leaving the parties to bear their own costs .

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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree



3.9.87
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Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
September 3, 1987/ Roy.