

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.**

Original Application No.61 of 1987.

Date of decision : February 2, 1989.

Sri M.V.Satyanarayana, Junior Engineer (Civil)
Officer of the Executive Engineer, Sambalpur
Central Division, Central Public Works
Department, Sakhipara Road, Sambalpur.

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Applicant.

Versus

1. Union of India, through its Chief Engineer, Central Public Works Department, (Eastern Zone), Nizam Palace, 234/4 Acharya J.C.Bose Road, Calcutta-20.
 2. Superintending Engineer, Co-ordination Circle (Eastern Zone), Central Public Works Department, Nizam Palace, 234/4 Acharya J.C.Bose Road, Calcutta-20.
 3. Executive Engineer, Sambalpur Central Division, Sakhipara Road, Sambalpur.

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Respondents.

For the applicant ...

M/s.S.Misra-1,
S.N.Misra

For the respondents

Mr. Ashok Misra,
Addl. Standing Counsel (Central).

GORAM

THE HON'BLE MR. 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 see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No.
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash Annexure-4 which is an order passed by the competent authority transferring the applicant from Sambalpur Division to Manipur.

2. Shortly stated, the case of the applicant is that he is a Junior Engineer under the Central Public Works Department and working in the Sambalpur Division. The applicant vide Annexure-4 having been transferred from Sambalpur Division to Manipur Division, this application has been filed to quash the order of transfer.

3. Even though notice was sent to the respondents since 31.3.1987 and Mr. Ashok Misra, learned Additional Standing Counsel (Central) appeared in response thereto, yet no counter has been filed in this case for reasons best known to the respondents.

4. We have heard Mr. S.N. Misra, learned counsel for the applicant and learned Additional Standing Counsel (Central) Mr. Ashok Misra at some length. Vide Annexure-2 dated 21.8.1986, the competent authority i.e. the Superintending Engineer, Coordination Circle (EZ), Central Public Works Department, Calcutta directed that Junior Engineers should keep themselves ready for being transferred. Thereafter, under Annexure-4 the applicant has been transferred from Sambalpur Division to Manipur Division for which he feels aggrieved. Mr. S.N. Misra vehemently urged before us that the applicant not having served in the Sambalpur for six

years according to the instructions contained in O.M.No.149/21(1)/82-SE-2/Co-ord. dated 11.1.1983, his transfer to Manipur is against the spirit of the circular referred to above and on that count the transfer of the applicant to Manipur should be quashed. This contention of Mr.S.N.Misrawas stiffly opposed by Mr.Ashok Misra, learned Additional Standing Counsel (Central) on the ground that all such circulars are subject to exigencies of service and further contention of Mr.Ashok Misra was that from Annexure-2 it would be found that this transfer should be made on rotation basis and therefore, it was contended by learned Additional Standing Counsel (Central), Mr.Ashok Misra that the case is devoid of merit and should be dismissed. After giving our anxious consideration to the arguments advanced at the Bar we find that even though ~~it~~ under the circular referred to above the applicant is to remain for six years in the station yet, the applicant was ordered to be transferred vide Annexure-4 dated 16.1.1987. He has practically remained therefor six years as admittedly he had joined Sambalpur in June, 1983 and by virtue of the stay order passed by this Bench in our order dated 31.3.1987 the applicant is continuing till today. Therefore, the applicant has practically completed six years in Sambalpur and in such circumstances, we find that there is no scope for the applicant to ventilate his grievance taking recourse to the directions contained in the above mentioned letter.

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5. In such circumstances, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

Lease on 2-2-89

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Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree

Lease on 2-2-89
.....
Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 2, 1989/S. Sarangi.