



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, Annexure- 2 containing deployment of the applicant to the surplus cell is sought to be quashed and also it is prayed that consequential service benefits be given to the applicant.

2. Shortly stated, the case of the applicant is that she was working as Welfare worker under the Welfare Commissioner, Iron Ore Mines, Labour Welfare Organisation, Barbil within the district of Keonjhar. Due to un-authorized absence for a long period, the applicant was put under proceeding and was ultimately removed from service. Being aggrieved by this order of removal, the applicant invoked the extra-ordinary jurisdiction of the Hon'ble High Court of Orissa by filing an application under Article 226 of the Constitution praying therein to quash the order of removal and this formed subject-matter of O.J.C. No. 2779 of 1981 which was subsequently transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985 and the case was re-numbered as Transferred Application No. 195 of 1986. We heard the case on merits and vide our judgment dated November 27, 1986, we quashed the order of removal of the applicant and further directed her reinstatement. It is the case of the applicant that our judgment dated 27.11.1986 has been given effect to and the applicant has been reinstated. There possibly could not be any further grievance on the part of the applicant but during the course of argument, learned counsel for the applicant

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submitted before us that she is no longer aggrieved by the order passed under Annexure-2 because the Central Government in their counter have stated that Annexure-2 has been with-drawn by the Government . Learned Sr. Standing Counsel Mr. A.B.Misra also submitted that the order passed by the competent authority deploying the applicant to the surplus cell has since been withdrawn . This being the admitted position, it is not necessary to give any discretion in this matter in view of the specific prayer made by the applicant in this application. Rather, the application has become infructuous.

3.                      During the course of argument, Mr. Ramdas submitted that the applicant being a young lady and being unmarried one, is being confronted with very many difficulties at Barbil . It was orally prayed before us to direct the respondents to post her at Bhubaneswar. We cannot accede to this request because grant of this relief is beyond our jurisdiction. It is the competent authority who must decide the suitability of the applicant for being posted at Bhubaneswar but we trust and hope that the competent authority would take a compassionate and sympathetic view in the matter keeping in ~~the~~ mind that the applicant is a young unmarried lady. It may be very difficult on her part to live alone in Barbil . But sustenance of one livelihood and earning bread and butter is of paramount consideration despite enormous difficulties. The Departmental Authorities will be well advised to consider the aforesaid facts and circumstances and take

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a decision as soon as possible if the applicant could be posted at Bhubaneswar . While concluding we would like to say that the applicant must first join at Barbil and then invoke the compassionate and sympathetic attitude of her higher authorities for the purpose indicated above. Mr. Ramdas submits that the applicant would make an application to the competent authority for being transferred to Bhubaneswar. We think that will be a better course to attract the attention and sympathetic view of the higher authorities . It was also submitted by Mr. Ramdas that there is likelihood of creation of a post or likelihood of vacancy occurring in the post of Welfare worker and therefore, Mr. Ramdas submitted that such post should be given to the applicant. We would only say that in view of the past experience of the applicant, the competent authorities would consider this request of the applicant and do the needful if possible .

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

*[Signature]*  
 .....21.10.87.....  
 Member ( Judicial)

B.R. PATEL, VICE CHAIRMAN, 9 agree.

*[Signature]*  
 .....21.10.87.....  
 Vice Chairman.



Central Administrative Tribunal  
 Cuttack Bench  
 October 21, 1987/Roy SPA.