

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 162 of 1988.

Date of decision : July 20, 1988.

Gati Krishna Mishra, son of Kulamoni Mishra, aged 41 years, Peon in Small Industries Service Institute, Tulsipur, Cuttack-8, at present residing at Seikh Bazar, Cuttack.

.... Applicant.

Versus

1. Union of India, represented by the Secretary, Ministry of Industry, Central Secretariate, New Delhi.
2. The Director, Small Industries Service Institute, Tulsipur, Cuttack-8.

.... Respondents.

M/s S.S.Basu, S.S.Rao &
C.A.Rao, Advocates ... For Applicant.

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

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 .

(110)

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order contained in Annexure- 5 dated 17.5.1988 transferring the petitioner from Cuttack to Rourkela.

2. Shortly stated, the case of the petitioner is that he is a member of Grade IV staff attached to the office of the Small Industries Service Unit situated at Cuttack. On 17.5.1988 vide Annexure- 5, the petitioner has been ordered to be transferred to Rourkela with immediate effect and it was further directed that the petitioner should be relieved with effect from 23.5.1988. Hence this application with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the order of transfer has been passed due to administrative exigencies and therefore there being no malafides in the impugned order of transfer, it should not be struck down. Further the respondents maintained that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. S.S.Basu, learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. We have also perused the averments made in the petition and in the counter and after giving our anxious consideration to the arguments advanced at the Bar, we do not feel it expedient in the ends of justice to interfere in the matter. However, it was strenuously pleaded by

Mr. Basu that the concerned authority may reconsider the matter because the petitioner being a poor Class IV employee would be deprived of giving adequate and proper education to her daughter who is now in Class X and ~~she~~ would appear in the Matriculation Examination scheduled to be held in February 1989. According to Mr. Basu, this would be a great hardship to the petitioner because his poverty would stand on his way to get his daughter admitted in Rourkela and give proper education. We do appreciate the difficulty of the petitioner but these matters are to be considered by the appropriate authority. We have no objection if the appropriate authority reconsiders the matter and tries to adjust the petitioner in some other post at Cuttack, if possible, till February 1989.

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

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..... 20.7.88
Member (Judicial

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

B.R. Patel
..... 20.7.88
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
July 20, 1988/Roy, Smt. P.A.

