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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.85 of 1988.

Date of decision : September 28,1988.

Govinda Chandra Bhol, son of late
Harekrushna Bhol, aged 49 years,
Upper Division Clerk, Aviation
Research Centre, Charbatia, At/
P.O.Charbatia, District- Cuttack.

... Applicant.

Versus

1. Union of India, represented by the Cabinet
Secretary, Department of Cabinet Affairs,
Government of India, Cabinet Secretariat,
Bikaner House Annexe, Shaha Jahan Road, New Delhi.
2. Director of Aviation Research Centre, Directorate
General of Security, Cabinet Secretariat, Block V
(East) R.K. Buram, New Delhi-110066.
3. Dy. Director of A.R.C. (Govt. of India),
Charbatia, Dist Cuttack.

... Respondents.

For the applicant ...

M/s. C.V. Murty,
C.M.K. Murty, Advocates.

For the respondents ...

Mr. A.B. Mishra, Senior Standing
Counsel (Central)

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 ? *N*
 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 challenges the order passed by the competent authority transferring the applicant to New Delhi vide Annexure-5 dated 18.12.1987.

2. Shortly stated, the case of the applicant is that he is an Upper Division Clerk working in Aviation Research Centre, Charbatia within the district of Cuttack. The applicant while working as such vide Annexure-5 dated 18.12.1987 has been transferred to New Delhi and being aggrieved by this order of transfer the applicant has invoked the jurisdiction of this Bench for quashing the said order.

3. In their counter, the respondents maintained that the applicant is always trying to avoid orders of transfer and the present order having been passed on the option given by the applicant, it should not be interfered with by this Bench and the application being devoid of merit, is liable to be dismissed.

4. We have heard Mr.C.V.Murty, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. Before we deal with the contentions advanced by the respective counsel in this particular case, it is worthwhile to mention that the applicant had filed an application under section 19 of the Administrative Tribunals Act, 1985, which formed subject matter of Original application No.146 of 1987 challenging his seniority and the order passed by the competent authority transferring him to Sarsawa. The judgment was delivered on 30th October, 1987. Therein, in

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regard to the order of transfer we stated that we do not feel inclined to interfere and hence that part of the prayer was dismissed. Thereafter, the applicant is said to have joined at Sarsawa which was also disputed before us and we do not like to express any opinion on this disputed question of fact. But the fact remains that while functioning as U.D.C. at Charbatia, vide Annexure-5 the applicant has been transferred to New Delhi which he has been resisting. Learned Senior Standing Counsel (Central) brought to our notice that the order of transfer to New Delhi has been passed after asking the applicant as to the place which he would choose between New Delhi and Sarsawa. The applicant categorically stated that he would choose to be transferred to New Delhi. In such circumstances we do not find any merit in the contention advanced on behalf of the applicant to quash the order of transfer. Hence, the order of transfer is hereby sustained.

5. Mr. Murty vehemently urged before us that at this mid academic session it would be extremely harsh on the part of the applicant to move out of Orissa because the education of his children would be seriously hampered. We also do not find any merit in this contention because having obtained the stay order the applicant skipped over Sarsawa and entered upon the next academic session and it is too late for him to urge that it would be harsh punishment to move out of Orissa during the mid academic session. However, we would not like to punish the children of the applicant by directing the applicant to forthwith move to New Delhi because at least till December, 1988 the applicant's children should have the benefit of

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educational curriculum now prevalent in the School or College in which they are reading and therefore, we would direct that the order of transfer be given effect to on and from 1.1.1989. The applicant should make arrangements to move to New Delhi during the last week of December, 1988.

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

[Signature]
28/9/88
.....
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
September 28, 1988/S. Sarangi.

[Signature]
28.9.88
.....
Vice-Chairman