

(11) (7)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.23 of 1989.

Date of decision : March 28,1989.

Shri S.K.Vara Prasad,
son of S.V.Subbiah, Assistant Engineer,
AGE B/R, Office of the Garrison Engineer
(Project), Factory E/M No.1., Bolangir,
District-Bolangir, Orissa. ...

Applicant.

Versus

1. Union of India, represented by the
Secretary, Ministry of Defence, South
Block, New Delhi.
2. Engineer-in-Chief,
Army Headquarters, Kashmir House,
New Delhi.
3. Garrison Engineer (Project),
Factory, E/M No.1, Bolangir,
P.O. Kamarlaga (via) Saintala,
Dist. Bolangir (Orissa). ...

Respondents.

For the applicant ...

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

For the respondents ...

Mr. Tahali Dalai,
Addl. 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 ? ✓
 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 and posting him at Arkonam (Tamil Nadu) contained in Annexure-5.

2. Shortly stated, the case of the applicant is that he is an Assistant Engineer attached to the Ordnance Project Factory at Bolangir and he has been transferred to Arkonam. Hence, this application with the aforesaid prayer.

3. No counter has been filed in this case for the reasons best known to the respondents.

4. We have heard Mr.C.V.Murty, learned counsel for the applicant and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) at some length. Even though counter has not been filed by the respondents yet the Court has a duty to find out the reasonableness of the prayer of the applicant, whether to be accepted or rejected. Having found that this case runs at par or similar to the case forming subject matter of O.A.412 of 1988 and O.A.437 of 1988 disposed of today we would direct that our observations made in O.A.437 of 1988 will apply mutatis mutandis to the facts of the present case. Therefore, we have no objection if the applicant files a representation before the competent authority for reconsidering his case and to give him a posting at any of the places he had already chosen or would choose by mentioning those stations in the representation to be filed and after due consideration if it is not

possible, the order of transfer of the applicant to Arkonam shall be worked out by the applicant. We would make the stay order effective for three months on the same terms as mentioned in our judgment passed in O.A.437 of 1988.

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

Sanjay
.....28/3/89.....
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 28, 1989/Saranghi.

B. R. Patel
.....28.3.89.....
Vice-Chairman