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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 166 OF 1992

Cuttack, this the 4th day of August, 1995

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Surendra Nayak,
aged about 42 years,
son of Mulia Nayak, at present
working as a Peon in the office
of the Garrison Engineer (Independent),
Naval Work, Chilika, P.O.N.T.C. Chilika,
District-Puri

...

Applicant

By the Advocates

-
M/s Devanand Misra,
Deepak Misra, R.N.Naik
& A.Deo.

-versus-

1. Union of India, represented by its Secretary, Department of Defence, E-in-C's Branch, Army Headquarters, New Delhi.
2. Chief Engineer, Southern Command, Pune-1, Maharashtra.
3. Chief Engineer, Navy, 9, I.R.S.D.Area, Kanchrapalem P.O., Visakhapatnam-530 008, Andhra Pradesh
4. Garrison Engineer (P) (Independent), Naval Work, Chilika, P.O.N.T.C. Chilika, Dist.Puri

... Respondents.

By the Advocate

-
Mr.Ashok Misra,
Senior Standing Counsel
(Central Government)

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O R D E R

H. RAJENDRA PRASAD, MEMBER (ADMN.)

Heard Shri B.S. Tripathy and Shri

Ashok Misra for the applicant and the respondents, respectively.

2. In this case the applicant was transferred from INS, Chilka, to the office of Garrison Engineer (North), Secunderabad, as long as back as March, 1992, on the ground that certain posts of Peons had become surplus in the unit. The applicant is seen to have represented to the Chief Engineer regarding the impugned transfer and, till July, 1992, when the counter-affidavit had been filed by the Respondents, the representation had not been disposed of. The applicant now states that he has not so far received any reply to his representation even subsequently.

3. In view of the fact that the applicant has been continuing in INS Chilka, and no particular administrative inconvenience seems to have been reported or agitated, or otherwise has come to the notice of this Tribunal, there are reasons to hold that it may not be administratively unfeasible to allow the applicant to continue in his present post. In view of the long silence on the part of both the parties, it is to be surmised that the transfer is no longer a live issue agitating either of the parties involved. I consider it unnecessary therefore to exhume this apparently defunct question or to issue any directions in this case. The applicant shall

1.5g.1.

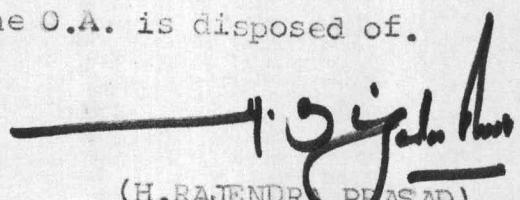
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not be disturbed from INS Chilka any longer if he has not already moved out in compliance with Annexure-8 to the O.A.

4. Thus the O.A. is disposed of.



(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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Nayak, F.S.