

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.602 of 1992

Date of Decision: 12.2.1993

Dr.Baishnab Panda

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Devanand Mishra,
Deepak Mishra,
A. Deo, R. N. Naik,
B. S. Tripathy,
P. Panda, D. K. Sahu,
Advocates

For the respondents

Mr. Ashok Mishra,
Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No.
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

3

48
JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner challenges the order of transfer passed by the competent authority transferring the petitioner from Bagedia to Nisikhal within Koraput district.

2. Shortly stated the case of the petitioner is that he is atpresent working as Chief Medical Officer, Static cum Mobile Medical Unit,Bagedia in the district of Dhenkanal. Vide order dated 16.11.1992,contained in Annexure - 2, the petitioner has been transferred from Bagedia to Nisikhal. Hence this application has been filed with the aforesaid prayer.

3. In the counter filed on behalf of the opposite parties, it is maintained that the petitioner has been transferred on administrative grounds and in public interest, which should not be interefered with.

4. I have heard learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel appearing for the Central Government.

5. In view of the law laid down by Their Lordships of the Supreme Court in the case of Smt.Shilip Bose and others vrs. State of Bihar and others reported in AIR 1991 SC439, I feel reluctant to interefere with this order of transfer, because there is no violation of statutory mandatory rules and there is no case of mala fide or bias against the opposite parties. Therefore the transfer order is upheld and I find no merit in this application which stands dismissed leaving the parties to bear their own cost.

6. Learned counsel for the petitioner submitted that

the petitioner's childrens are being educated in Bagedia and therefore transfer of the petitioner during mid academic session to Koraput would seriously prejudice the interest of the petitioner and his childrens. I think this is a very important point. Therefore it is directed that impugned order of transfer be kept in abeyance till May, 15, 1993 and the petitioner would handover the charge of his present office on the afternoon of May, 16, 1993. In case the petitioner has been relieved, he should be allowed to rejoin his duty at Bagedia. Thus the application is accordingly disposed of. No cost.

legally done
12.2.93.

VICE-CHAIRMAN



Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 12th February/93. BKS