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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.295 of 1993

Date of Decision:15.9.1993

L.N. Pattanayak

Applicant (s)

Versus

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No


MEMBER (ADMINISTRATIVE)

15 SEP 93


VICE-CHAIRMAN

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Respondent (s)

For the applicant

M/s. Deepak Misra
A. Deo, R.N. Naik
B.S. Tripathy,
Advocates

For the respondents

Mr. Ashok Mishra
Sr. Standing Counsel
(Central)

C O R A M:

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

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order passed by the competent authority transferring the petitioner from Bhubaneswar to Bolangir vide Annexure-2 dated 16.2.1993.

2. The petitioner is working as Sr. Auditor in Local Audit Office under OP No.3. The petitioner having been transferred to Bolangir, this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr.R.N.Naik, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing

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Counsel appearing for the opposite parties. The law has been well settled in the case of Mrs. Shilpi Bose and others vs. State of Bihar reported in AIR 1991 SC 532 and in the case of Union of India and others vs S.L. Abash reported in Judgment Today 1993(3) 678 that Courts shall not interfere with orders of transfer, unless it has resulted from malafide or violation of statutory, mandatory rules. No such case has been proved by the petitioner in the present case. Therefore, we find no ground to extend our hands for interference in this case. Hence we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

5. It was told to us by Mr. Naik, learned counsel ^a for the petitioner that representation filed by the petitioner is pending consideration by Opposite Party No.1 viz. Controller General of Defence Accounts, R.K. Puram, New Delhi. Opposite party no.1 will be well advised to dispose of the representation within 30 days from the date of receipt of a copy of this judgment.

MEMBER (ADMINISTRATIVE)

15 SEP 93

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 15.9.1993/B.K. Sahoo

