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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 308 of 1993

Date of Decision: 30.7.93

Gangadhar Panda

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)

30.7.93

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CUTTACK BENCH CUTTACK

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Union of India & Others

Respondents

For the applicant:

M/s.Ganeswar Rath  
A.K.Patnaik  
P.K.Mohapatra  
J.C.Sahoo,  
Advocates

For the respondents:

Mr.U.B.Mohapatra,  
Addl.Standing Counsel  
(Central Government)

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C O R A M:

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

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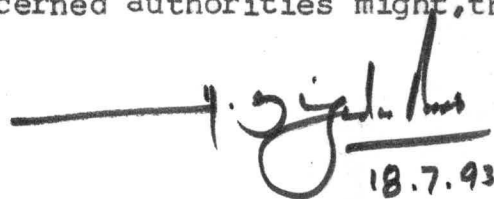
JUDGMENT

MR. H. RAJENDRA PRASAD, MEMBER (ADMN). In this case the Tribunal had earlier issued a direction on 25th June, 1993 that the petitioner shall continue in his present post and shall not be relieved on posting to Tura until further orders.

2. The petitioner admits that he had earlier requested and conveyed his willingness for his posting on promotion to Tura. His personal circumstances had, however, so drastically changed for the worse that, by the time the orders were issued posting him as Sr. Engineering Assistant, Tura, he was compelled to review ~~of~~ his earlier request and to seek a reconsideration of his case.

3. It is admitted on all sides that the petitioner's mother is suffering from carcinoma and that she is undergoing treatment in the Acharya Harihar Regional Centre of Cancer Research and Treatment, Cuttack. It is easy to imagine that it would hard for the petitioner, therefore, to leave his mother in a critical condition and to proceed to take up his duties at Tura.

4. It was mentioned that there is a likelihood of two vacancies of Senior Engineering Assistants arising in All India Radio, Cuttack, shortly, possibly in course of the next two months. If this is <sup>true</sup>, it needs to be scarcely added that the present case deservedly calls for sympathy in view of the difficult circumstances the petitioner finds himself in. At the present juncture the petitioner is faced with the necessity of having either to decline the proffered promotion, or, in the alternative, to abandon his ailing parent - an unenviable situation altogether. The concerned authorities might, therefore,

  
18.7.93

be well-advised to accord a special consideration to the petitioner's request at the earliest appropriate opportunity, whenever there is a possibility of considering his candidature against one of the vacancies likely to arise locally, if he is found otherwise suitable in all respects. Until then, it would be unfair to compel him<sup>m</sup> to decline his promotion. Even though the proposed action - 'holding in abeyance' the promotion, offered to him - may not be covered by the existing rules on promotions and transfers, the same is ordered keeping in view the peculiar and extremely difficult circumstances of the case.

5. The concerned authorities would be free to order his transfer from Cuttack subsequently after a tenure has elapsed, in the interests of service, and, if his services are needed elsewhere.

6. The contents of this order shall not be permitted to be regarded as<sup>a</sup> precedent. Thus the case is accordingly disposed of. No costs.

WIC-10-11-11

MEMBER (ADMINISTRATIVE)

30 JUL 93.

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 30.7.1993/B.K.Sahoo