

Serial No. of Order	Date of Order	Order with Signature
19	10.4.1995	<p>This original application itself was heard on merits and is being disposed of by this order.</p> <p>In O.A.No.293 of 1989 disposed of on 24.12.1991 this Tribunal made an order that the applicants therein be considered for the post of Research Assistants and if found suitable, may be given promotion. Rest of the reliefs prayed for in that application either granted or refused are not relevant for the purpose of disposal of this application. Long after this order was made, the respondents sought its review by R.A.No.32 of 1994 and the Tribunal by its order dated 9.11.1994 found no error apparent on the face of record and hence rejected the review application. Thus the order made by this Tribunal on 24.12.1991 was to be implemented by the respondents within reasonable time as no time frame was given in that order. When nothing moved in the Department, two of the applicants in the earlier original application filed this original application for no other independent reliefs than praying for implementation of the order in the aforesaid O.A.No.293 of 1989. It is averred therein specifically that till then the order of this Tribunal was not implemented, the respondents have committed contempt of Court, and without implementing the order, they passed an office order dated 10.5.1994 transferring six of the</p>

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Research Assistants from Hyderabad to E.R.Circle, Bhubaneswar. On 18.5.1994 this order came to be stayed by this Tribunal. The respondents have sought, by filing miscellaneous application (M.A. No.570 of 1994), to vacate the stay order though similar application (M.A.No.371 of 1994) was disposed of on 4.7.1994 directing the stay to continue.

Our attention is invited to the affidavit Shri filed by one K.S.Khandpur, Superintending Engineer, Eastern Rivers Circle, Central Water Commission, Government of India, dated 30.6.1994 in which he made an averment that the petitioners in O.A. No.346 of 1993 were not called upon to appear either in a written test or viva voce test before any departmental authority or before the Staff Selection Commission after 24.12.1991. He then added that the petitioners were to apply directly wherein they may take permission from the department for such examination. Since the petitioners have ~~had~~ not applied for any permission from the department, it cannot be said that they have appeared before the Staff Selection Commission. From this averment it is patently clear that even until today no steps have been taken to implement the order of this Tribunal dated 24.12.1991. In the meanwhile, as already stated above, six officers have been transferred to Bhubaneswar. That obviously means that these officers transferred from Hyderabad would fill in six existing vacancies in E.R.Circle, Bhubaneswar. It is rather deplorable that for more than

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three years, the order of this Tribunal has not been carried out by initiating steps to consider if the petitioners are suitable for the post of Research Assistants, as directed. As the only prayer in this original application is to direct the respondents to implement the order of this Tribunal though it was wholly unnecessary by filing a separate original application, this application could be disposed of by making a direction that the applicants should be considered for promotion, if they are found suitable, to the post of Research Assistants by initiating proceedings in that behalf within two weeks from the date of this order and completing the entire process within ninety days from the date of receipt of copy of this order.

In the meanwhile, as it has come to our notice that six officers are waiting to join at Bhubaneswar Circle in pursuance of the transfer order dated 10.5.1994, it would only be reasonable to permit this order to take effect keeping two posts vacant in the existing vacancies pending consideration by the respondents of the suitability of the applicants to the post of Research Assistants. It will be for the respondents to choose such of the four officers from the list who could be transferred to the E.R.Circle, Bhubaneswar, by passing a fresh order in that behalf. It is further directed that the respondents' ^{legal} counsel shall obtain a copy of the order forthwith and Shri hand over the same to said K.S.Khandpur, Superintending Engineer of the Hydrological Observation Circle, Bhubaneswar.

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