

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 482 of 1993.

DATE OF DECISION: SEPTEMBER 8, 1993.

Premananda Jena ...

Applicant.

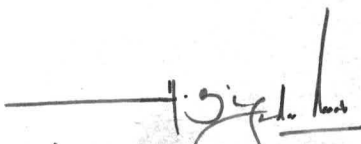
Versus

Union of India and others ...

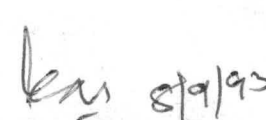
Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

08 SEP 93


(K. P. ACHARYA)
VICE-CHAIRMAN.

3

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O. A. NO. 482 of 1993.

Date of decision : September 8, 1993.

Premananda Jena ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicants::

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

For the respondents ...

Mr. Ashok Kumar Misra,
Sr. Standing Counsel (Central)

CORAM:

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

AND

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

J U D G M E N T

K. P. ACHARYA, V.C., In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to deploy/ readjust the applicant in the post of Head Clerk-cum-Accountant under the Labour Welfare Organisation at Bhubaneswar under Respondent No. 4 against the post which has become vacant with effect from 1.9.1993 on the retirement of one Shri N. K. Patnaik.

2. Shortly stated, the case of the applicant is that he was initially appointed as a Junior Clerk in the Labour Welfare Organisation under Respondent

kn

No.4 and subsequently he was promoted to the post of Junior Accountant on 1.9.1978. The applicant was given further promotion to the post of Accountant with effect from 18.7.1986. Since some of the posts of Accountant in the Office of the Respondent No.4 were abolished the applicant was declared as surplus with effect from 1.6.1992, ^{he} and was deployed to the Surplus Cell. In ^{the} course of time a post was located for the applicant and the applicant was relieved from Surplus Cell and subsequently joined as Assistant Welfare Administrator on 23.2.1993 at Raipur. The applicant was then appointed as an Accountant in the Office of the Pay and Accounts Office (Ptg) under the Ministry of Urban Development at Calcutta and was relieved on 18.5.1993 with a direction to join at Calcutta. The applicant joined in his new place of posting at Calcutta on 28.5.1993. The applicant now wants a posting at Bhubaneswar in the post which fell vacant due to the retirement of Shri N.K.Patnaik on 31.8.1993.

3. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel (Central). We did not think it worthwhile to keep this matter unnecessarily pending and therefore, with the consent given by counsel for both sides, we feel inclined to dispose of the application finally.

4. Mr. Deepak Misra placed before us Rule 12 of the Central Civil Services (Redeployment of Surplus Staff) Rules, 1990 which runs thus :

" Re-transfer of a former surplus employee to his original service cadre or group of posts after or pending re-deployment -

(1) Notwithstanding anything contained in sub-rule (2) of Rule 4, if a regular and long-term vacancy arises in a service, cadre or group of posts, in Group 'C' or 'D', it shall first be offered to the employee or employees declared surplus therefrom during a period of one year preceding the date of occurrence of the vacancy, who has/have been redeployed or readjusted else-where or is/are awaiting redeployment. "

Basing on the above quoted provisions Mr. Deepak Misra contended that the case of the applicant should be legitimately considered for transferring and posting to an equivalent post which is now vacant under Respondent No. 4 at Bhubaneswar due to the retirement of Shri N.K. Patnaik and furthermore Mr. Deepak Misra submitted that to the above effect the applicant has already filed three representations contained in Annexures 6, 7 and 8 addressed to the Under Secretary to Government of India, Ministry of Personnel, Public Grievances and Pension and the competent authority has not passed any orders as yet.

5. We do not like to interfere in this matter at this stage without any orders having been passed by the competent authority. Therefore, we would direct the Under Secretary to Government of India, Ministry of Personnel, Public Grievances and Pension to place all the representations before the competent authority for disposal according to law and we expect the competent authority to pass ^a reasoned order keeping in view the provisions contained above. We further expect the competent authority to pass a reasoned order within 45 days from the date of receipt of a copy of this judgment. In case, any adverse order is passed against

the applicant liberty is given to the applicant to approach this Bench. Copy of the reasoned order passed by the competent authority should be delivered to the applicant and it is further directed that the post from which Shri N.K. Patnaik has retired should be kept vacant till a period of 15(fifteen) days from the date of final disposal of the representation by the competent authority. Copy of the application along with its annexures be sent to the Under Secretary to The Government of India, Ministry of Personnel, Public Grievances and Pension and a copy of the application along with annexures be also sent to the Respondents ^{including respondent no 4} No. 4, along with the copy of the judgment.

6. Thus, this application is accordingly disposed of.

No costs.

.....
MEMBER (ADMN.)

08 SEP 93.

Central Admn. Tribunal,
Cuttack Bench, Cuttack.
September 8, 1993/Saranghi.

.....
VICE-CHAIRMAN.

