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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 591 OF 1994  
Cuttack, this the 1st day of May, 1997

CORAM:

HONOURABLE SRI S.SOM, VICE-CHAIRMAN

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Pitambar Sahoo, 33 years  
son of R.M.Sahoo,  
at present serving as  
Telecom Office Asst.(GL-1),  
Office of the Asst.Engineer, Telecom,  
Electrical Sub Division, Rourkela ....

Applicant

-versus-

- 1) Union of India, represented through  
Secretary to Government of India,  
Ministry of Communication,  
New Delhi.
- 2) Superintending Engineer, Telecom  
Civil Circle, Bhubaneswar.
- 3) Asst.Engineer, Telecom, Electrical  
Sub-division, Rourkela.
- 4) Chief General Manager, Telecom Orissa Circle,  
Bhubaneswar ....

Respondents

Advocates for applicant - M/s A.K.Misra, S.K.Das,  
S.B.Jena, J Sengupta &  
B.B.Acharya

Advocate for respondents - Mr.P.N.Mohapatra, ASC

ORDER

*S.SOM, VICE-CHAIRMAN*

In this application under Section 19 of the Administrative  
Tribunals Act, 1985, the applicant has prayed for a direction  
to the respondents to allow him to continue in his present place  
of posting as Telecom Office Assistant in the office of Assistant  
Engineer, Telecom (Electrical) Sub-Division, Rourkela. A further  
prayer is for a direction to the departmental authorities

*S.SOM, VICE-CHAIRMAN  
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to act as per order passed in Annexure-6 and to quash the order cancelling Annexure-6.

2. The facts of this case fall within a small compass and can be briefly stated. The applicant, while working as Work-charged Gr.II in Telecom Civil Circle at Bhubaneswar, represented for a posting at Rourkela as his wife was serving at Barghat near Rourkela under the State Government. Accordingly, he was posted as L.D.C. in Postal Civil Sub-Division, Rourkela on 6.7.1988. On 28.1.1993 the applicant knowing that he had already completed about five years in Rourkela, represented for a posting to some other office in Rourkela. Accordingly, in order dated 13.8.1993, vide Annexure-3, he was posted to the office of Assistant Engineer, T.E.S.D., Rourkela. After about another year, on 20.9.1994, the applicant was transferred from the office of Assistant Engineer, T.E.S.D., Rourkela to Telecom Civil Circle (Planning Division), Bhubaneswar, vide Annexure-4. The applicant filed a representation before the departmental authorities, vide Annexure-5, and in Annexure-6, the order dated 23.9.1994 his posting to Bhubaneswar was cancelled. Subsequently, in order dated 4.10.1994 (not annexed to the O.A.) the order dated 23.9.1994 was cancelled and it was ordered that the transfer of the applicant to Bhubaneswar stood. Faced with such a transfer, the applicant approached the Tribunal in this O.A. and on 7.10.1994 the O.A. was admitted and it was ordered that operation of the impugned order dated 4.10.1994 was stayed in case the applicant had not been relieved. By virtue of the stay order, the applicant has continued for another two and half years at Rourkela.

*Signature J.M.  
1.5.97*

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3. I have heard the learned lawyer for the applicant and the learned Additional Standing Counsel appearing on behalf of the respondents. The respondents have taken the stand in their counter that the applicant is in transferable service. In consideration of his family difficulties, on his representation he was posted to Rourkela. But he cannot remain at Rourkela throughout his career and after completion of about six years at Rourkela, he was transferred to Bhubaneswar. On this ground, the respondents have contested the application. As already mentioned, the applicant has remained at Rourkela from July 1988, i.e., for almost nine years, of which two and half years he has continued because of the stay order. As he is in a transferable job he cannot continue indefinitely for all times to come at Rourkela. His stay for nine years at Rourkela should have been adequate to look after his family problems. In view of this, I hold that this application is without any merit and is liable to be rejected. It was submitted by the learned lawyer for the applicant that the applicant may be allowed to continue at Rourkela till the end of May, 1997, i.e., end of academic session, I do not find any merit in the request in view of the fact that he has continued at Rourkela for about nine years. In case he is relieved, he can take leave and joining time till end of May, 1997 and join his new station thereafter.

4. In the result, the application is rejected. No order as to costs.

*Somnath Som*  
(S.SOM)  
VICE-CHAIRMAN  
15/5/97