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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

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Original Application No. 593 of 1994

Cuttack this the 29th day of November, 1994

Udit Kumar Das

Applicant(s)

Versus

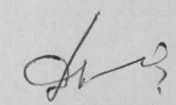
Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

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

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

29 Nov 94

  
(D. P. HIREMATH)  
VICE-CHAIRMAN

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Cuttack this the 29th day of November, 1994

C O R A M:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE-CHAIRMAN

AND

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

...

Sri Udit Kumar Das

S/o. J.C. Das

Clerk Grade-I

Regional Training Institute

(Programme) AIR, Cuttack

At/Po/Dist: Cuttack

Applicant/s

By the Advocate: Mr. D.R. Pattanayak

Versus

1. Union of India represented by  
its Secretary Ministry of Information  
and Board-casting, Shastry Bhawan,  
New Delhi-1

2. Director General (DDG (EF/P))  
Akashvani Parliament Street  
New Delhi-1

3. DDG (ER) AIR, Akashvani  
Bhawan, 3rd Floor Eden Garden  
Calcutta-1 (WB)

4. Station Director, Akashvani,  
3, Cantonment Road, Cuttack-1

5. Deputy Director,  
Regional Training Institute  
(Programme) Akashvani  
Room No. 17, 3, Cantonment Road  
Cuttack-1, At/po/Dist: Cuttack

Respondents

By the Advocate: ~~Shri~~ Ashok Mishra,  
Sr. Standing Counsel (Central)

...

O R D E R

D.P. HIREMATH, V.C.: Heard. Admitted and heard on merits with the  
consent given by both the learned counsels.

2. Undisputedly the petitioner herein who is a  
Clerk Grade-I, Regional Training Institute (Programme),

All India Radio, Cuttack, has been transferred to Civil Construction Wing, All India Radio, Sambalpur by the order dated 5.5.1994. It appears the Programme Executive did not ~~relieve~~ him immediately after the order was received and passed an order vide Annexure-5. That was in pursuance of a representation made by the petitioner to the DDG. This is how the applicant has been continuing at Cuttack inspite of the transfer order having been made in the month of May, 1994.

3. When it came up for admission we directed the respondents to consider another representation of the petitioner ventilating his difficulties if the transfer were to take effect forthwith. In that representation the petitioner pleaded (vide Annexure-3/1) that his 87 years old father is having heart complications and his mother 75 of years age is a cancer patient with fracture of right hip-bone and his wife after giving birth to 2nd child has developed serious post-caesarian pelvic inflammatory disease with associated ailments and above all his first son is in ICSC course and the second child is only 14 months old.

4. This being the difficulties that the petitioner has to face at this <sup>stage</sup> ~~point~~ when parents are growing old and he having served nearly 18 years it appears that the department was not inclined to consider his representation, which was rejected and therefore, we are to consider whether we have to interfere with the transfer order. As far as the ailments of the parents are concerned, the



the petitioner deserves sympathy, but looking to the length of **service** that he has put in in the same place, we do not think these difficulties which are incidental at this age should not come in the way of the petitioner's services being made available in some <sup>other</sup> place in the interest of public. The only difficulty that the petitioner faces is one <sup>or</sup> break in the studies of his first child who is <sup>studying</sup> ~~reading~~ in Class-I <sup>for</sup> in ICSC course in a local school and who has to take his examination in this Academic Year. One could understand ~~that~~ the difficulty of the petitioner ~~faced~~ in the ~~event~~ of his child's study being disturbed in the Mid Academic Year. Though he was transferred in the month of May, 1994, his immediate superior appears to have taken sympathy and did not relieve him for this length of time. This is how he is continuing in the same post at sufferance. It would be reasonable to direct that the impugned order should take effect at the end of the Month of May, 1995 in the interest of education of his son who is now in ICSC course at Cuttack. With these observations, we direct that the transfer order now impugned shall be kept in abeyance upto the <sup>end of</sup> Month of May, 1995 and at the end of May, 1995, the petitioner shall hand-over charge to his successor or <sup>to</sup> any person <sup>to whom</sup> ~~he is directed to over charge~~ ~~occupying in his post~~ and proceed to his new place of posting. With these observations and directions the application is disposed of.

(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

(D. P. HIREMATH)  
VICE-CHAIRMAN

B.K.Sahoo//

29 NOV 94