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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 330 OF 1995.

Cuttack this the 8th day of November, 1995.

SWETA KUMAR MOHAPATRA

....

APPLICANT

VRS.

UNION OF INDIA & 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 Tribunals or not? No.

N. SAHU
(N. SAHU)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 330 of 1995

Cuttack this the the day of November, 1995

CORAM:

THE HONOURABLE MR. N. SAHU, MEMBER(ADMINISTRATIVE).

....

Sweta Kumar Mohapatra,
S/o. Late Golekha Charan Moharana,
Senior Field Assistant(G),
Aviation Research Centre,
Charbatia, Cuttack.

.... Applicant

By the Applicant M/s. C. A. Rao, S. K. Purushit,
P. K. Sahoo, Advocates.

Versus

1. Union of India represented by the Secretary, Department of Cabinet Affairs, Cabinet Secretariat, New Delhi.
2. Director, Aviation Research Centre, East Block-V, R.K.Puram, New Delhi-66.
3. Deputy Director,
Aviation Research Centre,
Charibatia, Cuttack.

.... Respondents

By the Respondents : Mr. Ashok Mishra, Senior Standing Counsel (Central).

.....
O R D E R

R. N. SAHU, MEMBER(ADMIN.): The relief prayed for in this application is to quash the transfer order dated 5.6.1995 passed by the Deputy Director, A.R.C., transferring the applicant from Charbatia to Delhi.

2. Consequent on some tragic happenings like the death of his son at Delhi during the year 1991, which drove his wife to madness the applicant was transferred to Charbatia in December, 1991, wherein he continuously

stayed till the impugned order of transfer. The applicant is working as a Field Assistant. After receiving the transfer order he made a representation which was rejected. He was relieved and he joined at Delhi. It is claimed that his representation was favourably recommended by the Respondent No. 3, via; Deputy Director, A.R.C, Charbatia, Cuttack. But this averment was categorically denied by the respondents.

3. In their counter-affidavit the respondents state that the Deputy Director, ARC, Charbatia only forwarded the application without any recommendation, whatsoever. As the request of the applicant was not acceded to, the representation was turned down. It is stated that the transfer of the applicant became necessary under the transfer guidelines because his stay was the longest. Shri Bhagaban Das, who worked in Delhi from 30th April, 1986, had completed his tenure at Delhi and he wanted to be accommodated at Charbatia. The Transfer of Shri Das to Charbatia was claimed to be in the public interest.

4. At the time of hearing, the learned counsel for the applicant submitted a Memorandum dated 5.2.1992 under which the representation of Safaiwalas was considered and in that connection it was stated that as far as possible

no Group D Staff would be transferred from his home station unless someone makes a request for such transfer. Para-3 of the said Memorandum states that those Safaiwals and other Group D staff who had gone on transfer out of Charbatia would be transferred back to Charbatia on the basis of longest stay at the out-stations only against the vacancies arising at Charbatia.

5. I have carefully considered the submissions. I do not think the Memorandum dated 5.2.1992 is applicable to the applicant's case. That was by way of representation of grievance of Safaiwalas. Even so it is claimed that the applicant had the longest tenure in Charbatia and another candidate recruited from Charbatia had to be accommodated. The illness of the applicant's wife may be genuine, but that does not necessarily warrant his retention. Facilities for treatment exist in ample measure at Delhi also. The transfer of Shri Bhagaban Dash from Delhi to replace the applicant was stated to be on grounds of public interest. There is no arbitrariness or injustice in the transfer of the applicant. The application is dismissed. No order as to costs.

Harasankar
(N. SAHU) *Stulgi*
MEMBER (ADMINISTRATIVE)