

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.**

ORIGINAL APPLICATION NO.345 OF 1995
Cuttack, this the 20th day of September, 1995

Sisir Kumar Acharya ... Applicant

• • •

Applicant

VRS.

Union of India & others ... Respondents

• • •

Respondents

(FOR INSTRUCTIONS)

1) Whether it be referred to the Reporters or not? N.

2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? N.

(H.RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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CORAM:

HONOURABLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

Sisir Kumar Acharya, aged about 37 years,
son of Debaraj Acharya, At-present working
as D.F.O.(T), Bolangir, At/Post/Dist-Bolangir

.... Applicant

By the Advocates

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M/s Deepak Misra,
R.N.Naik, A.Deo,
B.S.Tripathy, &
R.Rath.

-versus-

1. Union of India, represented by
the Secretary to Government of India,
Forest & Environment Department,
C.G.O Complex, New Delhi.
2. State of Orissa, represented by
the Secretary to Government of Orissa,
Department of Forests & Environment,
At/P.O-Bhubaneswar, Dist.Khurda.
3. Principal Chief Conservator of Forests,
Orissa, At/P.O-Bhubaneswar, Dist.Khurda.
4. Shri P.K.Mohan,
Divisional Forest Officer (T),
Kalahandi Division,
At/P.O-Bhawanipatna,
Dist.Kalahandi.
5. Shri Surendra Singh Bhoi,
M.L.A., At/P.O-Saintala, Dist.Bolangir ... Respondents

By the Advocates

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M/s S.K.Padhi, Ashok Mohanty,
T.Ratho, S.Parida, B.K.Nayak, R.K.
Kar, Ganeswar Rath, S.N.Misra,
U.B.Mohapatra, K.C.Mohanty, GA.

....

O R D E R

H.RAJENDRA PRASAD, MEMBER (ADMN.) Heard Shri Deepak Misra for the applicant, Shri U.B.Mohapatra for Respondent 1, Shri K.C.Mohanty for Respondent 2, Shri Ashok Mohanty for Respondent 4, Shri B.K.Nayak for Respondent 5, and ^{proposed} Shri Ganeswar Rath for ^{intervenor.}

2. Briefly stated, the grievance of the applicant in this case is that he has been transferred from Bolangir to Dhenkanal within one year of his posting as Divisional Forest Officer at the former station. It is his impression that Respondent 5 has brought certain pressure on the State Government and thereby caused his abrupt transfer. It was also added on behalf of the applicant that he has been commended for excellent work and that his departmental superior has actually recommended the grant of a cash award to him besides cancellation of the impugned transfer, in appreciation of the excellent work done.

3. I have been shown the relevant extracts from the concerned file of the government. Contrary to the impression carried by the applicant, I do not find anything in the notes and orders in the file, which is even remotely suggestive that the impugned transfer of the petitioner resulted from any pressure brought on the government. I notice that this officer was actually transferred along with several others and no reason, as suspected by the applicant, has been found recorded for such transfer. Under

T. G. J. H.

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the circumstances, it has to be held that the shift of the officer was of a routine nature even if ^{it} came about before the completion of normal tenure, and that the contemplated shift was entirely in the exigencies of service.

4. Shri B.K.Nayak, learned counsel for Respondent 5, categorically denied that the M.L.A. had brought any pressure on the Government. It was added that in addressing the applicant about the postings of some officials, he had merely performed his legitimate duties as the elected representative of the people from the area and nothing more could be read into such innocuous communication, nor can there be any link between his communication and the internal transfers ordered in the Department. The learned counsel for the State Government asserted, on the other hand, that there is no truth or basis for the allegations against Respondent 5, and that any assumption to the contrary is only a surmise and conjecture.

I agree with this explanation on the basis of the documents that were shown to me today.

5. Shri U.B.Mohapatra, learned counsel for Respondent 1, mentioned that this is a matter entirely within the jurisdiction of the State Government, and that he has nothing to state in the matter.

T.G.J.

6. In view of the facts which have now been revealed, it is held that there is nothing irregular in the transfer order passed against the applicant. The proposal has received the consideration and approval at the highest level of the Government, and no allegations or complaints have been mentioned as the reasons for the transfer. Under the circumstances, I am unable to accept the pleas of the applicant. The application fails. No costs. The interim order passed on 7.7.1995 is vacated.

Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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Nayak, P.S.