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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 738 of 1995

Cuttack this the 15th day of December, 1995

G.S. Purty and others ... Applicants

versus

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

*Ganeshwaran*  
(P.V. VENKATA KRISHNAN)  
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 738 of 1995

Cuttack this the 15th day of December, 1995

C O R A M:

THE HONOURABLE MR. P.V. VENKATA KRISHNAN, MEMBER (ADMINISTRATIVE)

...

1. Ghanashyam Pruty, aged 37 years, Son of Late Sahiram Pruty, resident of Village Tingiria, PO:Godpalasan, P.S. Josphipur, District Mayurbhanj at present working as Upper Division Clerk in the Office of the Regional Provident Fund Commissioner, Orissa and General Secretary, FPF/ST Staff Welfare Association, Office of Regional Provident Fund Commissioner, Orissa, Janpath Unit - 9, Bhubaneswar-7, Dist:Khurda
2. Kanhu Charan Das, aged 44 years, Son of Late Puna Das, resident of Village/PO:Chanar Pada, P.S.:Nimapara, District:Puri - at present working as Head Clerk
3. Jitendra Kumar Jena, aged 38 years, Son of Late Baidyanath Jena, resident of Village, Sain, PO:Badar Nuagaon, District:Balasore, at present working as Head Clerk
4. Sarat Kumar Behera, aged 41 years, Son of Shri Dasarathi Behera, resident of Village Barko, PO:Sunaposhi, District:Keonjhar, at present working as Head Clerk
5. Keshab Chandra Sethi, aged 41 years, Son of Krushna Chandra Sethi, resident of Vill:Kaitha, PO:Pingal, P.S. Sukinda, District:Jajpur, at present working as Head Clerk:

... Applicants

(All above applicants are working in the office of Regional Provident Fund Commissioner, Orissa, Janpath, Unit-9 Bhubaneswar-7, District:Khurda

By the Advocate: M/s. K.C. Kanungo  
S.S. Mohapatra  
P.K. Patnaik

vs.

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- 1) Central Board of Trustees,  
Represented by Central Provident  
Fund Commissioner,  
2nd & 3rd Floor, Business Park  
No. 25,  
Sivaji Marg,  
New Delhi - 15
- 2) Secretary,  
Ministry of Labour  
Sharma Shakti Bhawan,  
Sansad Marg,  
New Delhi - 1
- 3) Regional Provident Fund Commissioner,  
Orissa,  
Bhavishyanidhi Bhawan  
Janpath  
Unit - 9,  
Bhubaneswar - 7  
District : Khurda

... Respondents

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

O R D E R

MR. P. V. VENKATKRISHNAN, MEMBER(ADMINISTRATIVE) :

Heard learned counsel for the Petitioners Mr. K.C. Kanungo and learned Senior Standing Counsel (Central) Mr. Ashok Mishra.

2. Applicants in this Original Application are Members of the S.C./S.T. community. They are aggrieved by the order Annexure-1 dated 14. 11. 1994 in which a panel of Head Clerks for rotational transfer from Bhubaneswar to Sub-Regional Office, Rourkela has been issued. Applicants find a place in this panel. Their contention is that as members of the SC/ST, they should be given certain concession<sup>9</sup> treatment in regard to transfers as mentioned in Annexure-5 dated 24th June, 1985 issued by the Department of Personnel and Training. The Association in which applicants are members has submitted a representation in Annexure-6, dated 28.4.1995 to the Respondent No.1. Learned counsel for the applicants, Mr. K.C. Kanungo, submits that there has been no decision taken on the request made in Annexure-6 in which the Association requested that the impugned panel, in Annexure-1, be withdrawn and that a fresh panel

be prepared inviting volunteers from SC/ST, who are willing to go to Rourkela on rotational transfer basis.

3. It is necessary that the representation, Annexure-6, shall be considered by the Respondent no.1 and appropriate orders be passed. This being a representation, made on behalf of the SC/ST employees, <sup>I bear</sup> it would have <sup>I bear</sup> expected that the first respondent should have disposed of the said representation immediately. But I find that it has not been disposed of even after eight months. Under <sup>these</sup> circumstances, I direct the first respondent to consider the representation, in Annexure-6, and pass appropriate orders within six weeks weeks from today. It is only proper that till this representation, Annexure-6, which has been pending with the first respondent for last eight months, is disposed of, the applicants should not be disturbed.

4. Though there is no transfer order found in the pleadings, the learned counsel for the applicants submits that such orders have been issued very recently in respect of applicant no.2. It is, therefore, directed that till disposal of the representation in Annexure-6, by the respondent no.1, the applicants herein, shall not be transferred in pursuance of the panel prepared in Annexure-1.

5. Application is disposed of accordingly.

No costs.

6. In order to enable the Respondent no.1 to dispose of the representation, a copy of the Original Application alongwith a copy of this order, shall be forwarded to the Respondent No.1 and also to the other respondents.

7. A copy of this order may be handed over to the learned counsel for both sides forthwith.

*P. Venkatakrishnan*  
( P. V. VENKATAKRISHNAN )  
MEMBER (ADMINISTRATIVE)

KN Mohanty  
15/12/95.