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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO.542 OF 1996.
Cuttack, this the 24th day of June, 1997

P.Laxman Rao ... Applicant.

Vrs.

Union of India and others ... Respondents.

FOR INSTRUCTIONS.

- 1) Whether it be referred to the Reporters or not? Yes.
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.542/92.

Cuttack this the 24th day of June, 1997

C O R A M:

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

...

P.Laxman Rao,
aged 27 years,
son of late P.C.Appa Rao,
working as Booking Clerk,
Bargarh Railway Station,
At-Bargarh Railway Station,
PO/PS/District-Bargarh ... Applicant.

Vrs.

1. Union of India, represented by
the Secretary, Railway Department, Central
Secretariat,
New Delhi.
2. Divisional Personnel Officer,
South Eastern Railway,
At/PO-Khetrarajpur,
District-Sambalpur.
3. Divisional Traffic Manager,
S.E.Railway,
At/PO-Khetrarajpur,
District-Sambalpur.
4. S.K.Sahoo,
Assistant Commercial Manager,
S.E.Railway,
At/PO-Khetrarajpur,
District-Sambalpur.
5. Station Manager,
S.E.Railway,
Bargarh,
At/PO/PS/Dist.Bargarh.
6. Samaru Barik,
Booking Clerk,
S.E.Railway, Bargarh,
At/PO/District-Bargarh ... Respondents.

Somnath Som
24.6.97

Advocate for applicant -

None.

Advocate for respondents -

Sri R.C.Rath.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN.

The applicant has come up in this case against his order of transfer at Annexure-2 transferring him from the post of Booking Clerk, Bargarh Railway Station, S.E. Railway, Bargarh, to Sambalpur. In this application, the petitioner has prayed for quashing the order of transfer at Annexure-2 so far as it is applicable to him and for directing respondent no.2 to allow him to work at Bargarh and consequently retransfer respondent no.6 who had been transferred to Bargarh in his place in the transfer order at Annexure-2. After initial admission of this application, no stay order was given and it is understood, in course of hearing, that the applicant has already joined his place of posting at Sambalpur. The application was dismissed for default by order dated 8.10.1996 and was again restored by order dated 11.12.1996. Thereafter in 1997 several adjournments were allowed at the instance of the learned lawyer for the petitioner, but on 18.6.1997 and 20.6.1997 the learned lawyer for the petitioner was absent and no request was made on his behalf for adjournment. Therefore, the matter was taken up and heard in the absence of the learned lawyer for the petitioner. I have heard Sri R.C.Rath, the learned counsel appearing for the respondents.

Somnath Som
24.6.97

2.As already mentioned, the transfer order has already been carried out so far as the petitioner is concerned. According to the averments in the application, after his initial recruitment, he was working as Booking Clerk at Bolangir from December 1988 and after two years he was transferred to Bargarh as rest giver Booking Clerk. It appears from paragraph 4.2 of the application that while he was posted at Bargarh, for four days a week he was working at Sambalpur though his headquarters were fixed at Bargarh. Obviously , when for the major part of the week he was working at Sambalpur, there is nothing wrong in the departmental respondents transferring him to Sambalpur on a regular basis. Therefore, I find no merit in his prayer to quash the transfer order and this prayer is rejected.

3.As regards the other prayer of the applicant that he should be retransferred to Bargarh and respondent no.6 should again go back to his original duty station at Kesinga, it is a well settled principle that the Tribunal cannot ask the departmental authorities to post particular persons to particular places. If we do this, then we will be besieged with a flood of applications seeking transfers and postings. This falls into the domain of the departmental authorities. This prayer is also rejected.

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4. In the result, the Original Application fails and is dismissed, but, under the circumstances, without any order as to costs.

Somnath Som
(SOMNATH SOM)
28.6.97
VICE-CHAIRMAN

AN/PS