

(A)

7/8, J. Sengupta.  
 B. B. Acharya  
 D K Panda  
 CAT/JIN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A. No..... 860 ..... 1996

Padmanav Sethi..... Applicant(s)

VERSUS

Union of India & ors. Respondent(s)

Sr. No.	Date	Order with Signature
	29.11.96	<p>REGISTER</p> <p>Registrar</p> <p>1. P.O. for Rs 50/- filed.</p> <p>Mentioned Case</p> <p>For Regn. please</p> <p>DRS</p> <p>29.11.96.</p> <p>29.11.96 SO(9)</p> <p>Registration</p> <p>As per direction of Registrar this case is placed for Admn. &amp; STAY order please</p> <p>DRS</p> <p>29.11.96.</p> <p>Bench</p>
2	29-11-96	<p>Heard Shri J. Sengupta, counsel for the applicant. In this application, the applicant challenges the order of Respondent No. 2 in transferring him to Kharagpur. Vide Annexure-2 to this application, the applicant in the rank of Head Clerk is transferred from the office of the Divisional Security Commissioner, Khurda, to the office of the Senior Security Commissioner, Kharagpur. The order is dated 13.9.1996 and this order was communicated to the applicant on 1.10.1996 vide Annexure-3. The applicant's grievance is that Respondent No. 2 has not taken into consideration the instructions of the Railway Board dated 19.11.1970 (Annexure-4). It is stated that "employees belonging to SC/ST should be transferred very rarely</p>

Serial No. of Order	Date of Order	Order with Signature
		<p>29</p> <p>and for very strong reasons only". In another Board's letter dated 6.7.1978 it was clarified that even at the time of initial appointment, SC/ST candidates should as far as practicable be posted nearer to their home town. After receipt of the transfer order, the applicant has submitted a representation to the Chief Security Commissioner, impleaded in this application as Respondent No.2, vide Annexure-7, dated 20.11.1996. Copy of the representation dated 20.11.1996 was also sent to Respondent No.1. There is no response whatsoever.</p> <p>2. Learned counsel for the applicant has drawn my attention to paragraph 7 of the application wherein he cited Establishment Serial No.27/88 dated 29.1.1988, in which the Railway Board has directed that mid-session transfer should be kept down to the minimum required in the interest of Administration. The applicant further states that one of his sons is presently studying in Class-IV and if at this juncture of time he is disturbed, it will cause harm to the career of his son. The wife of the applicant is presently serving as a Health Worker (Female) under the Jatni Primary Health Centre of the Health &amp; Family Welfare Department, Government of Orissa. Sri Sengupta further makes the submission that the applicant will be satisfied if the departmental authorities will keep <del>xx</del> his transfer in abeyance till May, 1997 and that he is prepared to leave for Kharagpur thereafter. Keeping in view <del>xx</del> the decision of the Supreme Court in Gujarat Electricity Board v. Atma Ram Saugomal Poshani</p>

Serial No. Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>(1989 (2) SCC 602), Respondent No.2 is hereby directed to dispose of the representation of the applicant, particularly the plea of the applicant's counsel before me to retain the applicant <del>xxxx</del> at Khurda till May, 1997 by <del>xx</del> keeping the transfer order in abeyance till that date so that his son's education for this year will continue without disturbance. The representation (Annexure-7) shall be disposed of within a period of three weeks from the date of receipt of copy of this order, and till the representation is disposed of, the transfer order at Annexure-2 shall be stayed. Sri Sengupta has categorically stated in the Bar that the applicant has not been relieved so far. He also states that opposite party No.4 has not joined at Khurda.</p> <p>The Original Application is disposed of at the admission stage.</p> <p><i>K. S. Sengupta</i> MEMBER (ADMN.)</p> <p>At the request of Shri J. Sengupta, the order No.2 of 29.11.96 may be handed over to the applicant's counsel.</p> <p><i>K. Sengupta</i> MEMBER (ADMINISTRATIVE)</p> <p><i>Patra</i> 2/12/96</p> <p><i>Patra</i> 2/12/96</p> <p><i>Patra</i> 02.12.96</p> <p><i>S. O.</i> Received Copy of Order dt 29.11.96 Dealing 2/12/96</p>	