

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 906 OF 1996.  
Cuttack this is the 8th January, 1998.

SHRI AJAYA KUMAR MOPAPATRA.

....

APPLICANT.

versus,

UNION OF INDIA & 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 Tribunals or not? No.

( S.K. AGARWAL )  
MEMBER (JUDICIAL)

( SOPNATH SARKAR )  
VICE-CHAIRMAN

8/1/98

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 906 OF 1996.

CUTTACK THIS, THE 8TH DAY OF JANUARY, 1996.

C O R A M:-

THE HONOURABLE SHRI SOMNATH SOM, VICE- CHAIRMAN.  
And  
THE HONOURABLE SHRI S. K. AGARWAL, MEMBER(JUDICIAL).

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SHRI AJAYA KUMAR MOHAPATRA,  
aged about 28 years,  
S/o. Prafulla Chandra Mohapatra,  
of Parichha Sahi, P.O. Banpur,  
Dist. Khurda, at present Divisional  
Accountant, Office of the Executive  
Engineer, Subarnarekha Irrigation Division No.1,  
Jharpokharia, Mayurbhanj.

• • • **APPLICANT.**

By Legal practitioner :- M/s. H. N. Routray, B. B. Satapathy,  
D. D. Barik & D. K. Sahoo,  
Advocates.

- Versus -

- 1) Union of India represented through its  
Secretary, Ministry of Finance, New Delhi.
- 2) Deputy Accountant General (Works Accounts)  
Office of the Accountant General (A&E),  
Orissa, Puri Branch, Dist. Puri.
- 3) Executive Engineer, Deo Canal Division,  
At/P.O. Rairangpur, Dist. Mayurbhanj.
- 4) Executive Engineer, Subarnarekha Irrigation  
Division, No.1, Jharpokharia, Mayurbhanj.

Somnath Jom  
8/1/98

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5) Shri B.M. Sinku, DAO-II, Office of the Executive Engineer, Deo Canal Division, Rairangpur, Mayurbhanj.

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Respondents.

By legal Practitioner :- Mr. S.C. Samantray, Additional Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the transfer order dated 11/12/1996 at Annexure-3, transferring him from the Office of the Executive Engineer, Subarnarekha Irrigation Division No.1, Jharpokharia, Mayurbhanj to Deo Canal Division, Rairangpur, Mayurbhanj. At the time of admission of the Original Application on 26-12-96 the impugned transfer order was stayed ex parte. On 17-1-1997, the Tribunal heard the learned Additional Standing Counsel Shri S.C. Samantray for the Respondents and learned counsel for the applicant. At that time, Shri B.P. Satpathy, learned counsel for the applicant, submitted that the applicant's dependant brother is studying and for the purpose of pursuing his academic studies, he wants only an accommodation till 31-5-1997 in the existing post and after this date, he is

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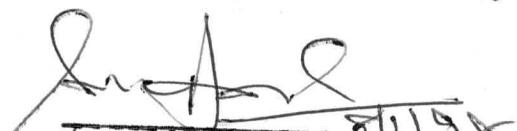
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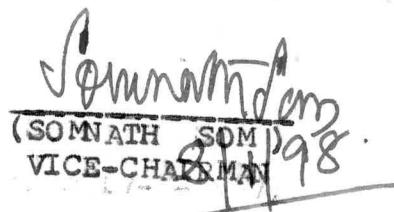
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prepared to move out of the station.

2. We note and it is submitted by the learned Additional Standing Counsel Shri S.C.Samantray, in the presence of the learned Counsel for the applicant that by virtue of the stay order, the applicant has continued at his original place of station beyond 31-5-1997 and in view of the above submission, we find that there is no further reason as to why the transfer order should be stayed and quashed when the applicant himself is prepared and indicated his willingness to move in accordance with his transfer order at Annexure-3 after 31-5-1997.

3. In view of this, we hold that the application is without any merit and the same is rejected but in the circumstances without any order as to cost.

  
(S.K. AGARWAL ) 8/1/98  
MEMBER(JUDICIAL)

  
(SOMNATH SOM ) 8/1/98  
VICE-CHAIRMAN

KNM/CM/8198.