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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 94 OF 1996.
Cuttack, this the 5th day of September, 2002.

DEBARAJ MOHANTY & OTHERS

APP LICANTS.

VRS.

UNION OF INDIA AND OTHERS.

RESPONDENTS.

FOR INSTRUCTIONS

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

Manoranjan Mohanty
05/09/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

V. Srikanth
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 94 OF 1996.
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C O R A M;

THE HONOURABLE MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE)

AND

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL)

1. Debaraj Mohanty,
Aged about 45 years,
S/o. Shyama Ch. Mohanty,
At/Po; Kusamber, Dist. Puri,
at present working as Divisional
Accounts Officer, Gr. I, Office of the
Chief Engineer, NH, Orissa, Bhubaneswar,
Dist. Khurda.
2. Prabodha Chandra Mishra, S/o. Sri Raghunath Mishra,
Achyuta Bhavan, Datta Tota, Puri Town, at present
working as Divisional Accounts Officer, Gr. I,
Office of the Executive Engineer, PH Construction
Division, Satyanagar, Bhubaneswar.
3. Premananda Samal, Aged about 41 years,
S/o. Pranakrushna Samal, At-Mahima Nagar,
PO: Naya Bazar, Cuttack, at present working
as Divisional Accounts Officer, Gr. I,
Office of the Executive Engineer, CM, Division
No. 1, Bhubaneswar.
4. Surya Narayan Das, S/o. Kanduri Charan Das,
At/Po; Satyabhamapur, via. Balakati Khurda,
At present working in the office of the
Fishery Engineering Division,
Maschhaya Sadan, Cuttack Road,
Bhubaneswar.
5. D.K. Murty, Aged about 40 years, S/o. D. V. S. Chalpati,
New Colony, Rayagada at present working as Divisional
Accounts Officer, Grade-I, Rayagada (R&B), Division,
Rayagada.

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6. Aditya Prasad Mishra, Aged about 35 years,
S/o. Bhagaban Mishra, Gudia Sahi,
Ps; Puri Town, Puri, at present working
as Divisional Accounts Officer, Gr. II,
RW Division, At/Po/Dist. Bargarh.
7. Ramakrushna Nayak, Aged about 52 years,
S/o. Late Bhurendra Nayak, At/Po; Bishnupur
Bindha Dist; Bhadrak, at present working as
Divisional Accounts Officer, Gr. II,
NH Division, Bhadrak.

: Applicants

By legal practitioner: M/s. G. Rath, S. N. Mishra,
A. K. Panda, Advocates.

Vrs.

1. Union of India represented through its
Secretary, Ministry of Finance, New Delhi.
2. Comptroller of Auditor General,
Govt. of India, New Delhi.
3. Accountant General (A&E), Orissa, Bhubaneswar.
4. State of Orissa represented through its
Secretary to Govt. Finance Department,
Sachivalaya Bhubaneswar, Dist. Khurda-1.

: Respondents.

By legal practitioner: Mr. A. K. Bose, SS C (Central)
Mr. B. Das, AS C (Central)
Mr. K. C. Mohanty, learned GA (State)
M/s. P. R. Dash, T. Rath, S. Natia, J. Sahu,
Advocates.

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O R D E R

MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE) :-

Heard Mr. S. N. Mishra, learned counsel for the Applicants and Mr. K. C. Mohanty, learned Govt. Advocate for the State of Orissa, Mr. A. K. Bose, Learned Senior Standing Counsel for the Union of India and Mr. B. Dash, learned Additional Standing Counsel for the Union of India appearing for the Respondents 1 to 3 and perused the records.

2. In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicants have challenged the notification as made by the Government of Orissa Respondent No. 4 dated 27-4-1993 under Annexure-2 and dated April, 1995 (No. WF-1-18/94) under Annexure-3. Through these resolutions the state Government had decided to take over the cadre of the Divisional Accountants from the control of Accountant General (A&E), Orissa to the control of State Government w.e.f. 1-6-1995 and the control of the cadre, on transfer, will be vested in the Finance Department of the Government of Orissa. These resolutions have been challenged by the Applicants on the ground that these are highly illegal, arbitrary discriminatory and violative of Articles 14 and 16 of the Constitution of India with a further grievance that the applicants being the employees of the Central Govt. the state of Orissa has no jurisdiction to pass such

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Resolution to transfer the services of the applicants to the State Government.

3. Respondent No.4 in his counter filed had indicated that this resolution and other resolutions passed earlier by the State Govt. in this connection had not been given effect to and the same did not subsist. Today, learned Government Advocate Mr.K. C. Mohanty filed a Memo indicating/stating that there is no change in the position of the case since 29.9. 1996.

4. The Respondents 1 to 3 have filed their counter indicating that the proposal for transfer of Divisional Accountants cadre has been approved by the Government of India and it is open to the applicants to exercise their option to go over to the State Cadre or to remain under the Central Government.

5. During the course of hearing, learned Government Advocate Mr. Mohanty submits ^{the matter} that the State Govt. had not progressed further and in this view of the matter, this application is premature one.

6. In the said premises, this Original Application is dismissed as premature. No costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

V. Sri Kantan
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)