

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 199 OF 1998

Cuttack this the 23rd day of February, 2000

Bijoy Chandra Parichha

Applicant(s)

-VERSUS-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to 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. 199 OF 1998
Cuttack this the 23rd day of February, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Bijoy Chandra Parichha
aged 42 years,
S/o. Late Natabar Parichha
of Village/Po: Mandara, Via: Balipadar
Dist: Ganjam

at present

Type II/10 C.P.W.D. Quarters
C.P.W.D. Campus, Unit IV
Bhubaneswar, Dist: Khurda

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Applicant

By the Advocates : Mr.Devasis Panda
Mrs.D.R.Nanda
Mr.G.R.Mohanty

-Versus-

- S. Som.*
1. Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi-110001
 2. Superintending Engineer, Coordination Circle(FZ), Central Public Works Department, Nizam Palace, 234/A, A.J.C.Bose Road, Calcutta-700020, West Bengal
 3. Superintending Engineer, Bhubaneswar Central Circle, Central Public Works Department, At/Po: Bhubaneswar, Dist: Khurda
 4. Executive Engineer, C.P.W.D., Bhubaneswar Central Division-I, At/Po: Bhubaneswar, Dist: Khurda
 5. Executive Engineer, C.P.W.D., Bhubaneswar Central Division-III, At/Po: Bhubaneswar, Dist: Khurda

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Respondents

By the Advocates : Mr.U.B.Mohapatra
Addl.Standing Counsel
(Central)

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the transfer order at Annexure-1 and for direction to respondents to allow him to continue in his present place of posting as the post held by him at present has not been abolished and persons junior to him are allowed to continue, but the applicant has been subjected to transfer.

By way of interim relief applicant had prayed that order of transfer should be stayed. When the applicant was relieved from his present place of posting with effect from 4.9.1998 in order at Annexure-3 enclosed to Misc.Application 510/98, he came up in that Misc.Application praying for stay operation of the relieve order. In order dated 15.9.1998 Misc.Application 510/98 was rejected.

2. The case of the applicant is that he was working as L.D.C. in C.P.W.D., in the Office of the Executive Engineer, C.P.W.D., Central Division-I, Unit VIII, Bhubaneswar. In order dated 19.2.1998 he has been transferred from his present place of posting to the Office of the Superintending Engineer, C.P.W.D., Bhubaneswar, Central Circle-III. Order of transfer is at Annexure-1. The applicant has stated that he has become eligible for being promoted to the post of U.D.C. It is further stated that according to departmental instructions transfers are ^{normally} ~~originally~~ done in every five years and the persons having longest stay should have been transferred first. The applicant has stated that in order dated 21.8.199 he has been transferred to Accounts

Branch at Bhubaneswar Central Sub-division-III and has joined as such ~~and~~ but, he should have been allowed to continue till August, 2000. The applicant has further stated that his transfer has been sought to be justified because of consideration of sanctioned strength, but he has stated that persons junior to him are continuing as such. In view of this he has come up in this petition with the prayers referred to earlier.

3. Respondents in their counter have opposed the prayer of the applicant. They have pointed out that on the basis of revised sanctioned strength the staff strength of different Units have been worked out and accordingly the applicant has been transferred. Respondents have also stated that there are three LDCs with longest stay in Bhubaneswar B.C.D. I Division and the applicant has the longest period of stay from 5.11.1982 onwards whereas the other two persons have been there from September and October, 1983. I have taken note of other averments made by the respondents in their counter. From the above recital of pleadings it is clear that by the order with which the applicant is aggrieved, he has been transferred in the same station at Bhubaneswar from one office to another office. Respondents have pointed out that both the offices are in the same building. In view of this by this transfer the applicant has not been inconvenienced in any way. As regards his juniors being allowed to ^{continue} in the existing Division where he is now working, transfer orders are not issued on the basis of seniority. Respondents have pointed out that amongst three LDCs the applicant has the longest period of stay from 5.11.1982 and therefore, there is nothing wrong in transferring him to another

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office in the same station. In view of the above I hold
that the applicant is not entitled to any of the reliefs
prayed for by him. ^{2nd} The result, the Original Application ^{1st}
is held to be without any merit and the same is rejected,
but without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN *2002*

B.K.SAHOO