

FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. OA. 450 of 199 8

Applicant (s) Gangadhar Jena Respondent (s) V.O.I. & Ors.

Advocate for Applicant (s) M/s. Sandhar Das Advocate for Respondent (s) Mr. B.K. Nayak  
B.N. Udgala

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

REGISTER

Registrar

280 for us 55. filed

for Regon pl.

31.8.98

Registrar

for Admn pl.

31.8.98

Bench

J. Jom

1.9.98

Seen the petition. Heard the learned counsel for the petitioner. Issue notice to respondents requiring them to file counter within four weeks from the date of receipt of notice. Posted to 28.10.1998.

Heard the learned counsel for the petitioner and learned Addl. Standing Counsel Shri B.K. Nayak, on whom a copy of the petition has been served on the question of interim relief. In this application the petitioner challenges the order assigning him duty in the Office of Superintendent (Technical) Central Excise and Customs, Divisional Office, Rayagada instead of his joining at Range Office, Rayagada, to which he has been transferred in order dated 15.6.1998 vide Annexure-1. It is submitted by the learned counsel for the petitioner that in order dated 29.7.1998 he has been asked to work in the Divisional Office, Rayagada by the Administrative Officer, Central Excise and Customs, Rayagada. It is submitted that the Administrative Officer has no power to transfer him. This order is at Annexure-2. It is further submitted by the learned counsel for the petitioner that vide letter dated 5.8.1998 addressed to Assistant Commissioner, Central Excise and Customs (Annexure-4) he has not joined the Divisional Office, Rayagada and he is continuing to attend Range office. In view of this learned counsel for the petitioner submits by way of

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NOTES OF THE REGISTRY

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interim relief the order at Annexure-2 should be stayed. It is submitted by Shri B.K.Nayak, learned Addl.Standing Counsel that the petitioner has not cited any authority indicating that the Administrative Officer, Central Excise and Customs is not the competent person to assign him duties in the same office and in the same station. In view of this learned Addl.Standing Counsel opposes the prayer for interim relief prayed for by the learned counsel for the petitioner for staying the order at Annexure-2.

We have considered the submissions made by the learned counsel for both sides and have perused the record. We find that in order at Annexure-1 the applicant has been transferred from Bhadrak to Rayagada and he has joined there. The order at Annexure-2 which is sought to be impugned in this O.A.merely assigns the applicant duties in another office in the same station. By this change the applicant does not suffer any personal difficulties as both the offices are in the same station. In view of this we are not inclined to stay the order at Annexure-2. The prayer for interim relief is, therefore, rejected.

Hand over copies of the order to learned counsel for both sides and copies of the order be sent to respondents along with notices.

19.10.98

VICE-CHAIRMAN  
MEMBER(JUDICIAL)

Or-No-1 dt-19.98

A copy of the Or.No-1 dt-1.9.98 may be handed over to the counsels for both sides.

28.10.98

In this case learned Counsel for the petitioner has filed a memo seeking withdrawal of the O.A. We have heard learned Addl.Standing Counsel Shri B.K.Nayak appearing on behalf of the respondents. In view of the prayer made by the petitioner in his memo, the O.A. is disposed of as withdrawn.

19.10.98  
Vice-Chairman  
Member(I)

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Received copy  
S-098

On behalf of Secretary  
Amarjit K. Das

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