

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 499 of 1998

Applicant (s) Upendra Patnaik Respondent (s) 001 808

Advocate for Applicant (s) M/S S B Jena Advocate for Respondent (s)

SK. Dash

P K Mishra

S Behen.

NOTES OF THE REGISTRY**ORDERS OF THE TRIBUNAL****REGISTER**

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Registrar

25.9.98

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For Regn pl.
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25/9/98
SOL (J)
This matter has been taken up to-day on being mentioned by the learned counsel for the petitioner in the morning. Heard the learned counsel for the petitioner. It is submitted by him that the matter may be disposed of at the admission stage with an appropriate direction to the departmental authorities for considering the above prayer. Some facts of this will have to be referred to in this connection.

Heard Shri S.B.Jena, learned counsel for the petitioner and Shri D.N.Mishra, learned Standing Counsel, on whom a copy of the petition has been served appearing on behalf of the respondents. It seems that the petitioner is working as Deputy Station Manager, Khantapada in Balasore District. In order dated 29.11.1997 he had been transferred to Mechhada. He did not proceed to his new station and was thereafter placed under suspension. His suspension was revoked with a direction that on the revocation of his suspension he should join at Mechhada. He came before the Tribunal in O.A.52/98. In that the case on the date of admission on 28.1.1998 the petitioner was directed to file a representation before the departmental authorities praying for his continuance at Khantapada till March, 1998 and the departmental authorities were directed to consider it he could be adjusted in some nearby place

J. A. M.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

till March, 1998. Accordingly the petitioner was apparently allowed to continue at Khantapada. Thereafter he filed a Writ Petition before the Hon'ble High Court in which the stay order was granted. The petitioner, thereafter, on the assurance of the respondents withdrew that Writ Petition and now he has been asked to move to Mechhada in pursuance of the earlier order. It is submitted by the learned counsel for the petitioner that his children are studying in Class-I and VII in Oriya Medium at Khantapada and his brother is to undergo a major operation. In view of this he prays that he should be allowed to continue at Khantapada till the end of academic session. On the earlier occasion the petitioner had come up with the prayer to continue at Khantapada till March, 1998 and that has been done. Thereafter again filing another case before the Hon'ble High Court he has been successful in continuing at Khantapada. The scope of the Tribunal to interfere with the matter of transfer is somewhat limited. The petitioner has prayed his personal difficulties which are more or less the same except the illness of his brother which was urged by him in his earlier petition. In consideration of the above this Original Application is disposed of with a direction to the applicant to file representation before the departmental authorities stating his problems therein within a period of one week from to-day and the departmental authorities should dispose of the said representation within a period one week thereafter. Learned counsel for the petitioner prays that ^{for} this period stay of his transfer may be granted. As the transfer order has been issued in November, 1997 and the petitioner has been continuing for another 10 months, we are not inclined to grant any stay pending consideration of his representation. This prayer, if the petitioner is so advised, he may also make before the departmental authorities in his representation for consideration

With the above direction O.A. is disposed of at

A copy of the the a
order at 25-9-98
may be given to
the counsel for
both sides.

VICE-CHAIRMAN
MEMBER (JUDICIAL)

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