

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. OA 633 of 199 8

Applicant (s) B. Padhy Respondent (s) UOI (CAB)

Advocate for Applicant (s) M/S. B.S. Tripathy (2) Advocate for Respondent (s)

J.S. Sahoo  
H.S. Sahoo

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

200 for Rs 50/- filed

REGISTER

Expende  
by Registrar 4/12

4.12.98

Per Regn please

This matter has been taken up to-day on being mentioned by the learned counsel for the petitioner in the morning. Heard Shri B.S. Tripathy, learned counsel for the petitioner. It is submitted by Shri Tripathy that there has been some inadvertant typographical mistakes in the Original Application and he may be permitted to correct the same. It is so ordered.

Heard the learned counsel for the petitioner Shri B.S. Tripathy and Shri D.N. Mishra, learned Standing Counsel appearing on behalf of the respondents, on whom a copy of the petition has been served. After considering the submissions made by the learned counsels for both sides, we feel that this Original Application can be disposed at the admission stage by issuing appropriate direction to the respondents.

The facts of the case according to petitioner are that he is working as Station Superintendent at Jajpur-Keonjhar Station. It is submitted by the learned counsel that the petitioner is currently officiating in the post of Station Manager at Jajpur-Keonjhar Road. In order dated 25.11.1998 at Annexure-3 he has been transferred on promotion and posted against a vacant post of Station Manager, Bhadrak. The case of the petitioner is that he is going to retire in May, 2000 and thus less than two years of service is left and this transfer will

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Order dt. 4-12-98

A copy of order may be given to both the counsels

4-12-98

S.O. (J)

Received the copy of order dated 4/12/98

Tyotirmayacharya Advocate for applicant 4/12/98

A copy of the order dt. 4-12-98 with O.A. copies may be sent to all respdts. by regd post.

Sak

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Min

17-12-98 S.O.

Re CM

21/12/98

result <sup>in</sup> unavoidable dislocation. It is also submitted that at Keonjhar - Jajpur Road he is under occupation of Railway Quarter, but at Bhadrak there is no railway quarter. The applicant has filed representation at Annexure-1 for his retention at Jajpur-Keonjhar Road and again another one at Annexure-2, but these have not been favourably considered. In view of this he has come up in this Original Application praying to quash the impugned order of transfer and by way of interim relief he wants stay <sup>of</sup> operation of the impugned order of transfer. In a matter of transfer the scope of interference by the Tribunal is very limited as has been laid down by the Honble Supreme Court in a series of decisions. In consideration of the alleged difficulties of the petitioner this Original Application is disposed of with a direction to Respondents 2 and 3 that in case representation dated 27.11.1998 addressed to Res.2 is pending with him, then the same should be disposed of within a period of seven(7) days from the date of receipt of a copy of this order. Learned counsel for the petitioner submits that during this intervening period transfer order should be stayed. We are not inclined to agree to this, firstly, because another person has been posted in place of the applicant on promotion at Jajpur-Keonjhar Road and in case the transfer order is stayed and that person turns up to join at Jajpur-Keonjhar Road, he will be <sup>kept</sup> hanging. We also note that in the impugned order at Annexure-3 the petitioner has been posted on promotion to Bhadrak. His work at Jajpur-Keonjhar Road, according to applicant's counsel himself is only on officiating basis. In view of this it is ordered that in case the petitioner does not go and join at Bhadrak in pursuance of the order of promotion then he will not be entitled to claim any equity later on in respect of his promotion.

With the above direction O.A. is disposed of at the admission stage. No costs.

VICE-CHAIRMAN

MEMBER(JUDICIAL)