

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 54 OF 1999.

Cuttack, this the 28th day of January, 2000.

SMT. SUJATA DAS.

....

APPLICANT.

VRS.

UNION OF INDIA & ORS.

....

RESPONDENTS.

FOR INSTRUCTIONS.

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

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

12

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CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:54 OF 1999.

Cuttack, this the 28th day of January, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Smt. Sujata Das, Aged about 34 years,
Wife of Sri Narayan Behera, resident of
Plot No. 30, Madhusudan Nagar, Unit-IV,
Bhubaneswar-1, District-Khurda working
as Accountant in the office of the
Accountant General (A&E), Orissa,
Bhubaneswar.

... APPLICANT.

-Versus-

1. Principal Accountant General (A&E),
Office of Accountant General,
At/Po: Bhubaneswar, Dist. Khurda.
2. Deputy Accountant General (Admn.)
Office of the Principal Accountant
General (A&E), Orissa, Bhubaneswar,
Dist. Khurda.
3. N. Krishnamurthy, Sr. Accounts Officer,
(CA Cell Deptt) In the office of the
Accountant General, At/Po. Bhubaneswar,
Dist. Khurda.

... RESPONDENTS.

By the legal practitioner
for applicant .

: M/s. G.K. Mishra, G.N. Mishra,
A. Parida, Advocates.

By the legal practitioner
for Respondents.

: Mr. B.K. Nayak, Additional
Standing Counsel (Central).

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O R D E R

(O R A B)

MR. G. NARASIMHAM, MEMBER (JUDICIAL)

This application has been filed challenging the order of transfer of applicant an employee of the Accountant General's Office, Orissa from Bhubaneswar to Puri. In this application, she also prayed for interim stay of operation of the impugned order of transfer. Through elaborate order dated 16.2.1999, we have rejected this prayer. Thereafter, applicant preferred OJC No. 2910/99 before the Hon'ble High Court of Orissa with the following prayers:

* quashing the order of the Central Administrative Tribunal, Cuttack dated 16.2.1999 in OA No. 54/99 under Annexure-8;

A N D
(apparently the Deptt.)
Directing them/to allow the petitioner to continue in her place of posting at Bhubaneswar till any voluntary option is made;

AND

Granting any other relief(s) as found fit and proper in the facts and circumstances of the case.


2. The Hon'ble High Court of Orissa disposed of the writ petition through an elaborate order after referring and discussing several judgments of the Hon'ble Apex Court on the point and finally observed in concluding para-8 as follows;

8. Above being the position, we find no merit to entertain the writ application. It is open to the petitioner to join the new place of posting. We express no opinion in that regard.

From this it is clear that the Hon'ble High Court considered the prayer No. 2 of the applicant in OJC No. 2910/99 i.e. to allow the applicant to continue at Bhubaneswar till any voluntary option is made through an elaborate order consisting of seven typed pages. In other words, the main issue in this Original Application pending before us has been elaborately dealt and disposed of by the Hon'ble High Court. This being the position, we have no more discretion to hear and pass any opinion in the main prayer of the Original Application. We, therefore, agree with the learned Additional Standing Counsel appearing for the Respondents that the Original Application has since become infructuous and is accordingly rejected. No costs.

3. As earlier requested by Mr. G.K. Mishra, learned counsel for the applicant, a copy of the writ petition filed by him should be returned to him in course of the day.


(SOMNATH SOM)
VICE-CHAIRMAN


(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.