

NOTES OF THE REGISTRY

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6. ORDER DATED 18-5-2000.

Heard Mr. Aswini Kumar Mishra, learned counsel for the applicant, Mr. K. C. Mohanty, learned Government Advocate appearing for the State of Orissa, and Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Government of India and have also perused the records.

Short fact of this case is that the applicant who was working as DFO (I), at Karanjia was transferred in order dated 10.11.1999 to Kalahandi as DFO in place of Shri P. K. Sahu who was transferred from the Post of DFO (I), Kalahandi and posted as Working Plan Officer, Bhawanipatna against vacant post and Shri S. P. Mohapatra, Working Plan Officer, Anugul was posted as DFO, Karanjia in place of the applicant. Applicant has come up in this original Application stating for quashing the order of transfer on the ground of his personal difficulties and also on the ground that he has been subjected to too many and too frequent transfers. He had also asked interim stay of the order of transfer. This was rejected in order dated 15.11.1999 but the State Govt. was directed to allow the applicant to continue in his official quarters at Karanjia. Against the order of the Tribunal, applicant went to the Hon'ble High Court in OJC No. 13453/99 in which Their Lordships of the Hon'ble High Court in their order dated 17.11.99 in Misc. Case No. 12533/99 directed as an interim measure that the transfer order of the applicant will remain stayed till 26.11.1999. State Government in this case have filed counter stating that in order dated 21.12.99 the transfer order of Shri Sahu from the post of DFO (I) Kalahandi to the post of Working Plan Officer, Bhawanipatna has been cancelled and similarly the transfer order of Shri Mohapatra the relieving officer

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of the applicant from the post of working plan officer, Anugul to the Post of DFO(T), Karanjia has also been cancelled. In view of this, it is submitted by the learned counsel for both sides that the application has become infructuous. From the counter of the State Government we find that the applicant was transferred from Karanjia in a chain order of transfer and even though the transfer order of other two persons has been cancelled, there is no formal order of cancellation of the order of transfer of the applicant. It is submitted by the learned Government Advocate that under the circumstances, the transfer order of the applicant from Karanjia is deemed to have been cancelled. In view of this, the original Application is held to have become infructuous and is accordingly disposed of. NO costs.

Jaswinder
MEMBER (JUDICIAL)

Jaswinder Singh
VICE-CHAIRMAN
18.5.2000