

(A)
FORM NO - 4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. OA 16 of 199 2000

Applicant (s) Ashok Kumar Bhagat Respondent (s) 001

Advocate for Applicant (s) M. A. Kanungo Advocate for Respondent (s)

S. R. Mishra

B. Ray

M. K. Biswal

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Meekand Case

I.P.O./B.D. for Rs.50/- filed
For Registration please.

B

13.1.00

Prasanna
13.1.2000
S. R. Mishra

S. R. Mishra

REGISTER

B. Ray
13.1.2000
Registrar

ORDER NO.1, DATED 13.1.2000.

This matter has been taken up today on being mentioned in the morning by the learned Counsel for the petitioner. Seen the petition. Heard Mr. A. Kanungo, learned counsel for the petitioner. After hearing learned counsel for the petitioner. I feel that the petition can be disposed of at the stage of admission by issuing appropriate direction to the OPS. In view of this, I have heard Mr. D. N. Mishra, learned Standing Counsel for the Respondents, on whom a copy of the petition has been served. Applicant's case is that he is working as Motor Vehicle Driver under the Respondents. He had earlier approached the Tribunal in OA No. 195/99 assailing the order of transfer and during the pendency of that OA, the order of transfer was stayed. During the pendency of that OA, the order of transfer which was challenged,

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was cancelled. The applicant was on leave because of his illness. Later on, on being found medically fit, he has reported for duty on 17.11.1999 in order at Annexure-2 and he has been retained at Sambalpur in the same capacity and posted under the appropriate authority in Carriage workshop establishment Sambalpur. Applicant has approached for cancelling the order of transfer because of the fact that even though he was medically fit he is still suffering from Bloodpressure and therefore, he wants that he should be posted to some other job at Sambalpur. The Tribunal can not issue a direction to the Departmental Authorities to post the applicant to a particular place/ station or to a particular post, that falls within the ~~exhaustive~~ domain of the Departmental Authorities. So far as his ~~continued~~ illness is concerned, it is submitted by learned Standing Counsel that as the applicant has been declared as medically fit, his plea that he is suffering from high BP can not be entertained. In any case, there are decisions of the Hon'ble Supreme Court that it is for the Departmental Authorities to consider the genuine personal difficulties of the employees. In consideration of the above, while declining to intervene in the matter, this OA is disposed of by issuing a direction to applicant that he may file a representation to the Departmental Authorities within a period of 15 (fifteen) days narrating his personal difficulties and seeking appropriate posting. The Departmental Authorities are directed that they should dispose of the

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and received
on 18.1.2000

Free copy
of the order
dt 13.1.2000
may be given to
both side
counsel.

Rab
18/1

Free copy
18.1.2000
S/O

Copy of
order dt 13.1.2000
with copy of
application sent
to all reside.
by regd-post
D.

Rab
28/2

Free copy
22.2.2000
S/O

representation of the applicant through a speaking
order within a period of 30 days from the date of
receipt of the representation and intimate the
result thereof to the applicant. The above order
is subject to the condition that the applicant
obeying the transfer order should join in the
carriage repair workshop and only after joiningly
he will file the above representation. with the
above direction and observation the OA is disposed of.
No costs.

vice-Chairman
13/1/2000