

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 460 of 2000

Applicant (s) Talathar Nayak Respondent (s) Union of India

Advocate for Applicant (s) Mrs. P. Jena Advocate for Respondent (s)

S. Jena
K. B. Mohanty
P. K. Sahu
M. Moharram
A. Sahu

NOTES OF THE REGISTRY

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

on Memo

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11/10
Pras

ORDERS OF THE TRIBUNAL

REGISTER

... Registrar

1. ORDER DATED 11.10.2000.

This application is put up today i.e. during the vacation on the basis of submission made by Shri P.Jena, learned Counsel for the Applicant. Shri A.K.Bose, learned Senior Standing Counsel (Central) on whom a copy of the petition has been served is also present.

Registry has pointed out that this application is barred by limitation and is also not maintainable as Prasar Bharati Corporation has not been notified to be under the jurisdiction of this Tribunal. The point of limitation has been raised by the Registry presumably seeing the recital in paragraph-1 of the application i.e. for quashing

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the order dated 2.8.1999 under Annexure-2 issued by the Respondents and to allow the applicant to continue in his previous postings at Bhubaneswar. This description of the prayer in paragraph 1 is completely wrong because in relief portion under paragraph 8, the prayer is only to the effect that the applicant may be permitted to join as per the order dated 2.8.1999 under Annexure-2 without prejudice to the right of the applicant.

In regard to the maintainability of this application in connection with the order dated 2.8.1999, under Annexure-2 there is a full Bench decision of the Lucknow Bench of the CAT, in the case of S.K. TIWARI VRS. UNION OF INDIA AND OTHERS REPORTED IN 2000 (2) ATJ 11 deciding that the Tribunal has the jurisdiction. Hence register this application.

Heard Mr. Jena, learned counsel for the applicant and Mr. Bose, learned Senior Standing counsel and have also perused the records.

After hearing learned counsel for both sides, I feel the application can be disposed of at this stage without issuing notice to the Respondent.

Prior to filing of this application, the applicant had already approached this Tribunal on two occasions. In OA No. 553/98, he has challenged the order of transfer, under Annexure-1 which was dismissed. Again in OA No. 414/99 he has challenged this order dated 2.8.99 under Annexure-2 rejecting his prayer for cancellation of the order of transfer. This OA was also rejected. The OJCs preferred before the High Court of Orissa against these rejections have also since been disposed of against the applicant.

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Free copy
of the order
of 11-10-2K given
to the LOR
counsel

Sath
11/10/2K

In this application, the applicant simply prayed that he may be permitted to join as per the order dated 2.8.1999. By transfer order dated 1.8.1997, the applicant, a security Guard was transferred from Bhubaneswar to HPT AIR, Fakirapara. By Annexure-2, dated 2.8.1999, his representation for cancellation of the transfer order was rejected and he was directed to join immediately in public interest. The pleading is silent that this particular post at HPT, AIR, Fakirapara is still lying vacant. In case the post is still lying vacant till today and in case the applicant has not been placed under suspension till today, the Respondents i.e. the Station Director of All India Radio, Cuttack may permit him to join at the place of his posting at HPT, AIR, Fakirapara in case he reports within a week from today, as per the order of transfer under Annexure-1, provided the same is permissible under Rules.

With the above observations and directions, the Original Application is disposed of. No costs.

Copies of these orders be handed over to learned counsel for both sides immediately.

MEMBER (JUDICIAL)