

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

ORDER DATED 19-12-2000.

Lawyers have abstained from Court work. Petitioner Shri S.N.Panda, is present in person and wants urgent adjudication of his Original Application as this is a transfer matter and the applicant has already been relieved from his post on 23-11-2000. Respondents have filed show cause but the learned Sr. Counsel for the Respondents is absent as lawyers have abstained from Court work, on an indefinite basis. It is not possible to drag on the matter indefinitely more so when the petitioner <sup>is</sup> ~~is~~ present in person and wants for urgent consideration of his case.

We have heard Mr. Panda, the petitioner in person and have also perused the records.

The admitted position is that the applicant was working at KVS, Jharsuguda for more than 12 years. On posting of one Shri B.K. Hansda, to KVS, Jharsuguda, the applicant has become surplus and being the person with the longest tenure, he has been transferred as PRT, KVS, <sup>Jamnagar in Gujarat</sup> ~~Jharsuguda~~. Applicant <sup>is</sup> ~~is~~ <sup>Sdm.</sup> has stated that his two children are taking final class examinations which are due to be held in March, 2001. He also submits that his old mother aged about 70 years, is dependent <sup>and</sup> ~~on~~ him <sup>is</sup> ~~is~~ suffering from Psychiatric ailment. He has submitted earlier a representation for being posted at KVS, Brajarajnagar but his representation has not been considered and he has been transferred to KVS, Jamnagar. Applicant has filed an affidavit with copy to other side in support of his submission that vacancy in the post of PRT, Brajarajnagar is still subsisting. The Respondents have filed a Memo stating that one

Sanghamitra Mohapatra was posted as PRT, Brajarajnagar but the Tribunal in their order dated 5-10-2000 in O.A. No.139/2000 had directed that she should be adjusted against the post of PGT at KVS, Kaniha. Against this order the Departmental Authorities have gone to the Hon'ble HighCourt of Orissa in OJC No.11821/2000 which is pending. From this it does appear that Sanghamitra Mohapatra has not possibly joined at KVS, Brajarajnagar but as the Respondents have challenged the order of this Tribunal about her posting to KVS, Kaniha, no orders can be passed with regard to consideration of the case of the applicant for his posting at KVS, Brajarajnagar. Applicant strongly urges that as he has liabilities as mentioned above, and as the transfer has come during mid-academic session, he will be put to irreparable hardship if he is made to join at KVS, Jamnagar. He submits that there are vacancies in Orissa state and he may be adjusted against any of the PRT vacancies within the Orissa. The representation of the applicant for posting at KVS, Brajarajnagar is pending. Applicant has already been relieved on 23-11-2000 and he is currently on leave. He has also stated that his reliever who has come from Jamnagar has not been allowed to join at KVS, Jharsuguda because of the stay order of this Tribunal. In consideration of the above and the submissions made by the applicant, we dispose of this original Application with a direction to the Respondents 1 and 2 to consider the case of the applicant for posting him to any of the vacant posts of PRT within the State of Orissa. The matter may be decided by the Respondents within a period of thirty days from the date of receipt of a copy of this order and the result thereof be

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communicated to the applicant within a period of 15 days thereafter. Applicant submits that he will continue on leave during this period. Respondents are directed not to take any coercive action against the applicant till his representation is disposed of.

Original Application is disposed of in terms of the observations and directions made above. No costs.

Stay order granted earlier stands vacated.

M.A. is also accordingly disposed of.

Copies of final order dt. 19.12.2000 issued to counsel for both sides.

Re 19/12

Ram  
S. O. (S)

VICE-CHAIRMAN

MEMBER(JUDICIAL)