

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 121 of 2001

Applicant (s) Anzaya Kumar Sethi Respondent (s) I. D. P. B. B. C. C.

Advocate for Applicant (s) Mr. K. C. Kanungo Advocate for Respondent (s) S. Behara

M. K. Mandal

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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

on memo

A. K. Bose
S. O.

9/4/01

For A. K. Bose & Jay -
copy served.

9.4.01

B. K. Bose
S. O.

REGISTER

A. K. Bose
9.4.2001

Dy. Registrar

1. ORDER DT. 9.4.2001.

This matter has been taken up today on being mentioned in the morning by learned counsel for the applicant. Seen the petition. Heard Mr. Kanungo, learned counsel for the applicant. After going through the petition, we feel that this O.A. can be disposed of finally at the stage of admission. In view of this we have heard Mr. A. K. Bose, learned Senior Standing Counsel on whom a copy of the petition has been served.

Learned Senior Standing Counsel Mr. Bose wanted seven days time to obtain instruction and file show cause/counter. As this case has arisen out of certain earlier orders of this Tribunal

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in O.A.No. 468/2000 and copies of our earlier orders in that OA ^{are} before us, we do not think any purpose will be served by giving any further time to the Respondents to file show cause/counter.

In the order at Annexure-1 applicant who is a LDC was transferred from High Power Television Bhawanipatna to Doordarshan Kendra, Bhubaneswar.

Respondent No.4 in this OA is working as a general Assistant on casual basis in Doordarshan Kendra, Bhubaneswar and in OA No.468/2000 she had applied for regularisation. In OA No. 468/2000 by way of interim relief it was ordered that the post of LDC lying vacant at Doordarshan Kendra, Bhubaneswar, should not be filled up by any fresh recruitment. Thus, the Tribunal did not prevent filling up of the post by transfer ^{of} any person. Notwithstanding this in the order at Annexure-2 it was wrongly mentioned by Doordarshan Kendra, Bhubaneswar that filling up of the post has been stayed by the Tribunal. Again the matter came up in OA No.468/2000 ~~and~~ in order dated 30.3.2001 it was ordered that in case the vacant post in DDK, Bhubaneswar is filled up by transferring a LDC from another office, then the concerned transferee should be informed in writing that his transfer to that post and holding that post of LDC will be subject to the result of the Original Application No. 468/2000.

Applicant's grievance is that thereafter he was ordered to be ^{relieved} from his post of LDC, HPT, Bhawanipatna and in order dated 30.3.2001 at Annexure-6 he was relieved from his duty with an instruction to report for further duty at DDK, Bhubaneswar.

[Handwritten signature]

Applicant's grievance is that when he reported at DDK, Bhubaneswar, he was not allowed to join and an order dated 4.4.2001 at Annexure-7 was issued in which it has been mentioned that his joining at DDK, Bhubaneswar, has not been accepted by the competent authority as per the orders of this Tribunal dated 30.3.2001 in OA No. 468/2000. This order is at Annexure-8 and from this order it is clear that no stay of transfer of applicant from Bhawanipatna to DDK, Bhubaneswar was given on the contrary it was directed that if the post is filled up by transfer then his posting and holding the post will be subject to the result of OA No. 468/2000. As the Doordarshan Authorities have, for the ^{best} ~~best~~ reasons known to them, misinterpreted the order of the Tribunal on two occasions, we quash the order dated 4.4.2001 at Annexure-7 on the ground that contrary to what has been written in the order, this order is not in accordance with the order dated 30.3.2001 of the Tribunal in OA No. 468/2000. In the result, therefore, Respondent No. 2 is directed to allow the applicant to join at Doordarshan Kendra, Bhubaneswar, subject to the conditions mentioned in our order dated 30.3.2001 in OA No. 468/2000. It has been submitted by learned Standing Counsel that Respondent No. 4 the private Respondent, has not been heard in this case but our order dated 30.3.2001 in OA No. 468/2000 was passed after hearing and at the instance of learned counsel for Respondent No. 4 who was the applicant in that OA and in our order dt. 30.3.2001 the interest of Respondent No. 4 has already been safeguarded.

In the result, therefore, with the above

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observations and directions, the Original application is allowed. No costs.

Free copy of order
dt. 9-4-2001 issued
to the counsel for
both side.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.

9/4/01
S.O.

9/4/01