

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order No.2, dated 10.8.2001(at 4.30 P.M.)

This matter has been posted today at 4.30 P.M. for passing orders on the question of admission.

2. In this O.A. the petitioner has prayed for quashing the order dated 23.5.2001 at Annexure-7 transferring him from the post of Executive Producer, Doordarshan Kendra, Bhubaneswar, as Station Director, Doordarshan Kendra, Sambalpur. In paragraph 4.J of the O.A. the petitioner has stated that challenging this very order of transfer he had moved the Hon'ble High Court of Orissa in OJC No.6999 of 2001 during Summer Vacation and the Hon'ble Court passed order on 2.6.2001 staying the operation of the transfer order <sup>at</sup> Annexure-2 which is stated to be the very same transfer order at Annexure-7 to this O.A. till 10.7.2001 so far as it relates to the petitioner. The applicant has stated that after 10.7.2001 till today the interim order passed by the Hon'ble High Court has been extended and the last order has been passed on 9.8.2001 extending the interim order of stay till 14.8.2001. The applicant has further stated that in course of hearing of O.J.C. before the Hon'ble High Court the question of maintainability of the writ petition was raised by the counsel for the opposite parties before the Hon'ble High Court and thereafter the Hon'ble High Court have posted the matter to 14.8.2001 on the question of addressing the Court on the ground of maintainability. The applicant has made

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the following averment;

".....The applicant respectfully states that he has good grounds to succeed in the application. Therefore, without entering into any controversy with regard to the maintainability of the writ application, has approached this Hon'ble Tribunal, who has got power to entertain such application and respectfully states that interim protection be granted to the present applicant pending final adjudication of the original application by this Hon'ble Tribunal in the light of the protection granted by the Hon'ble High Court of Orissa."

From the above it is clear that the petitioner has challenged the transfer order at Annexure-7 before the Hon'ble High Court of Orissa and the Hon'ble High Court have stayed the transfer order till 14.8.2001. According to the petitioner, the question of maintainability of the writ application before the Hon'ble High Court is also under consideration of the Hon'ble High Court. In view of this, when the Hon'ble High Court of Orissa is in seisin of the matter, we are doubtful whether this O.A. can be entertained. On this point we have heard Shri B.R.Sarangli, the learned counsel for the petitioner and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents.

*S. Som.*

3. The applicant himself has stated that he has approached the Hon'ble High Court of Orissa presumably on the belief that the Hon'ble High Court have the jurisdiction in the matter. The question of maintainability of the writ application before the Hon'ble High Court is still pending consideration. The applicant has not withdrawn the writ application from the Hon'ble High Court and therefore, till

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Free copy of order  
dt. 10/8/2001 issued to  
the counsel for both  
sides.

S.O.

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a final view is taken by the Hon'ble High,  
it must be held that the O.A. is not maintainable  
before us. The learned counsel for the  
petitioner has filed this O.A. today and has  
prayed for interim order of stay of the transfer  
order at Annexure-7. We note that the Hon'ble  
High Court have already stayed the transfer  
order till 14.3.2001. If the O.A. is entertained,  
then it is quite possible that our orders either  
granting or rejecting the prayer for interim  
stay will be in violation of the existing orders  
of the Hon'ble High Court. In view of all this,  
we hold that the O.A. is not maintainable  
before the Tribunal. The O.A. is, therefore,  
dismissed at the stage of admission.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
10/8/2001