

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 25.1.2002

In this case respondents have not filed their counter. Notice was issued to Respondents only on 7.12.2001 and the matter was posted to 8.3.2002 for filing of counter. At the instance of learned counsel for the petitioner this matter has been taken up to-day.

Heard Shri B.K.Mohanty, learned counsel for the petitioner and Shri D.N.Mishra, learned Standing Counsel. In this O.A. the petitioner has prayed for quashing the order dated 17.8.2000 vide Annexure-2, relieving him from the post of Motor Mechanic under Deputy Chief Engineer (Construction), Keonjhar and for direction to respondents to allow the applicant to continue at Keonjhar. He has : As earlier stated, respondents have not filed their counter. It is submitted by the learned counsel that the applicant has no grievance with regard to his posting at Bhubaneswar. But as his daughter is studying in Keonjhar + 2 Science in D.D. College with Geology subject as Optional, which facility is not available in Bhubaneswar, he wants the order of transfer should be cancelled, as represented by the applicant vide Annexure-3. In the subsequent representation dated 10.10.2001 at Annexure-7 the applicant has reiterated his prayer for retention at Keonjhar. Shri Mohanty submits that the applicant has no grievance with regard to his joining at Bhubaneswar, but he may be allowed to join at Bhubaneswar only in April/02, after completion of his daughter's + 2 Exam. Shri Mohanty also prays that respondents should

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directed to reconsider the representation of the applicant for retention at Keonjhar till the end of April, 2002, in the light of his submission that his daughter is studying final year + 2 Science with the Geology as Optional. It is submitted by Shri Mishra that the representation can be considered by the Department if such a direction is given by the Tribunal, but only in accordance with rules. In consideration of submissions made by the learned counsel of both sides, this O.A. is disposed of with a direction to Respondent No.1 to consider the representations of the applicant vide Annexures-3 and 7, if the same are still pending with him, taking into consideration that his daughter is reading + 2 Science with Geology as Optional and that the academic session will be over by the end of April/2002, within a period of 30 (thirty) days from the date of receipt of copies of this order and intimate the result thereon to the applicant within a period of one week thereafter. No costs.

S. J. JAWAHAR
VICE-CHAIRMAN
25/1/2002