

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On 21.4.8.04

Copy 4 order
prepared for counsel
for both sides.

10/08/04

10/8/04
S.D. (C)

Order dated 04.08.04

Shri Jayakrushna Das, presently working as Head Clerk-cum-Accountant, All India Radio, Puri since 01.08.01, has been repeatedly submitting representations to the concerned authority seeking transfer to Cuttack on health ground. He has submitted that he is suffering from Neurological problems and under treatment at S.C.B. Medical College & Hospital, Cuttack, on a regular basis. The treatment required for managing his ailment is not available at Puri and therefore, he has been frequently coming to Cuttack at every week end.

2. The Respondents have not disputed the health problem of the applicant. The position taken by them is that the applicant during his service period has spent entire period at Cuttack except 8 months during the year 1985-86 when he was sent to Jeypore and it is now from August 2001 he has been shifted to Puri in public interest to accommodate another employee who has spent long years outside Cuttack.

3. I have heard both the parties in extenso and have also perused the records placed before me by both sides in support of their contention.

4. In this case, which involves question of transfer of an employee, normally the Tribunal should not interfere. However, it appears that the applicant is a chronic patient involving Neurological problem. This is not a disputed fact. The another aspect is that the

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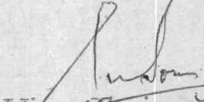
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applicant is going to retire on 30.04.05. He has already done 3 years service away from Cuttack and is presently at Puri. There is, therefore, enough reason for the Respondents to show special consideration ^{to} made by the applicant for re-transfer to Cuttack and that would allow him to close his career from the place from where he started his career from All India Radio. There should be no objection on the part of anyone to allow such a pleasure to a serving employee who ~~has~~ no doubt ^{has} transfer liability all over the State.

5. Having regard to the extraordinary circumstances associated with the case of this applicant, I hereby direct the Respondents to consider the representation, if any, submitted by the applicant seeking transfer back to Cuttack at the earliest possible and immediately upon a vacancy arising in the Grade of Head Clerk or equivalent post in Cuttack. The applicant is also hereby directed to submit a representation afresh to the Respondents expressing his difficulties and seeking transfer back to Cuttack.

6. This O.A. is accordingly disposed of with the above direction. No costs.


Vice-Chairman