

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter by R-1 &

D-2 filed, copy served
Rejoinder to counter by D-1, 2
& 3 filed. Copies served
M.A. 2/04 & M.A. 3/04

for app. orders with
objection filed, copies
served.

(Reg. interim order)

22/1/04

Bench

Or. Dr. 23.1.04

Copies & order date
23.1.04 prepared for
counsel for both side.

23/1/04

D
23/1/04
S. (5)

ORDER DATED 23-01-2004.

Heard on M.A. Nos. 2/2004 & 3/2004.
M.A. No. 2/2004 filed by the Respondent
No. 3 praying for vacation of interim order
dated 23-12-2003 and M.A. No. 3/2004 praying
for a direction to be issued to the
Respondents to release his salary for the
month of December, 2003 without further
delay.

Heard Mr. P. K. Padhi, Learned Counsel
appearing for the Applicant, Mr. Anup Ku.
Bose, Learned Senior Standing Counsel
appearing for the Respondent Department and
Mr. D. P. Dhalsamant, learned Counsel appearing
for the Respondent No. 3 on the Original
Application as also on the M.A.s.

The grievance of the Applicant is
that he was also applied for transfer from
Jagatsinghpur to Cuttack GPO but without
considering his application, the Respondent
Department have posted Respondent No. 3 to
Cuttack GPO, who was transferred from
Cuttack to Jagatsinghpur later than the
Applicant. Respondents, by filing a detailed
counter, have submitted that on occurrence
of a vacancy in October, 2003 in SBCO, at
Cuttack GPO, they had considered the
representations in respect of five officials
which included the Applicant as well as
Respondent No. 3 for transfer from out station
to Cuttack. After considering the relative
merit of each representation, they found
that the prayer of the Respondent No. 3 who

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is to retire on superannuation w.e.f. 28.2.2005 merited a consideration on priority and accordingly, it was decided by the competent authority to transfer him from Jagatsinghpur to Cuttack GPO with full TA etc. In view of the submissions made by the Respondents, as the decision with regard to transfer of Respondent No.3 was taken by considering the merits of all other officials to the post in question, we see ~~infirmitly~~ no ~~infirmitly~~/reason to interfere in the decision taken by them. ~~.....~~ We see no merit in this Original Application; which is accordingly dismissed. Interim order passed on 23.12.2003 stands vacated.

In view of the disposal of this Original Application, MA Nos. 2/04 and 3/04 also accordingly disposed of.

23/01/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

1/1
(B. N. SOR)
VICE-CHAIRMAN