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04/08/2004 O.A.N. 129/04

Seeking a transfer from Central Tourist Office, Bhubaneswar to Patna, the applicant a U.D.C. represented to the authorities; which received due recommendation by the local head of Bhubaneswar Office. No need having been paid to his grievance, the applicant approached this Tribunal in this O.A.N. 129/04; which was disposed of on 23.3.2004 with direction to Respondents to consider his grievance for his transfer from Bhubaneswar to Patna. No post of U.D.C. being available in Patna Office, the applicant was intimated accordingly. In the said premises, the applicant has again approached this Tribunal in the present M.A. 484/04. In the said M.A. the applicant has pointed out that the status of UDC and Junior Stenographer belong to one cadre and since the post of Junior Stenographer is available at Patna Office, the Respondents should consider his case for being posted as against the post of Junior Stenographer at Patna.

By filing objections, the Respondents have pointed out that in view of the notification dated 19.7.2002 (Annexure-R/2) filed by the Respondents the post of a Junior Stenographer is available to be filled up by way of direct recruitment through the Staff Selection Commission. On examination of the said Annexure-R/2 dated 19.7.2002, it appears that the same is a set of recruitment rules, which provide that the post of junior Stenographer is to be filled through Staff Selection Commission, as is apparent, there is no prohibition for adjusting a UDC as against the said vacancy. The UDC

~~✓~~ can be adjusted against a junior Stenographer post (because, they both are in the identical scale) until the vacancy of Junior Stenographer is regularly filled up. In the aforesaid premises, the Respondents are directed to call upon to reconsider the grievance of the applicant (a UDC posted at Bhubaneswar Office) for being adjusted against the existing vacancy of Junior Stenographer at Patna Office and the said adjustment may be made till a regularly recruited Junior Stenographer is posted at Patna.

Any 2 copies
of this order issued
to the Counsel for
both sides

S.C. 9/8/04

With the aforesaid observation and direction, M.A.484/04 is disposed of; after hearing Shri S.Mishra, counsel for the applicant and Shri S.B.Jena, Addl. Standing Counsel appearing on behalf of the Respondents.

Send copies of this order to the parties and free copies of the order be handed over to the counsel of both the sides.

Yours
MEMBER (JUDICIAL)

04.08.2004