

Notes of the Registry

Orders of the Tribunal

Order dated 16.5.05

Heard Mr.A.K.Padda, the applicant in person. A copy of this O.A. has been served on the opposite parties.

Mr.P.R.J.Dash, Lt.Addl.Standing Counsel is present.

The applicant having faced a transfer by order dtd.25.4.05 (Annexure-2) has come in this O.A. ~~not~~ assailing the said order on several grounds as mentioned in this O.A. Although in Para-6 of this O.A., he has made a submission that 'there is no alternative remedy except seeking the extraordinary jurisdiction of this Hon'ble Tribunal' we are not impressed by such submission, ~~but~~ ~~firstly~~, because that there is no extraordinary jurisdiction of this Tribunal given in the Act nor any such provision in the Act has been brought to our notice by the applicant. Further, that the mere existence of a cause does not entitle an official to rush to the Tribunal without first exhausting the departmental remedies which are available at the departmental level. There cannot be any denying the fact that the issues that he has raised in his O.A. with regard to his transfer to Jeypore from Bhubaneswar could have well been, in the first instance, brought to the notice of the Respondents. It was only the Respondents who are in a position to perceive the realities as pointed out by the applicant.

In the circumstances, we would direct the applicant to submit his objections to his transfer/posting him to the office of the R.A.O. Jeypore within a period of 15 days from the date of issue of this

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order and on receipt of such representation, the Respondents will dispose of the same with a reasoned order within three weeks thereafter.

We find that the revocation of suspension ~~is intended~~ order has an interaction with the posting of the applicant to R.A.O. Jeypore.

However, as the applicant has been permitted to file a representation before the competent authority in the first instance and time has been granted to both the parties in litigation for submission and disposal of the representation, we direct the Respondents not to insist on immediate movement of the applicant to R.A.O. Jeypore pending disposal of his representation.

With the said order, this O.A. is disposed of at the admission stage. A copy of this O.A. be forwarded to the Respondents, along with a copy of this order as part of his representation in the matter. Free copies of this order be handed over to both the sides.

Yours
S. O.
Member (J)
187/05

Sub
Vice-chairman
187/05

O.A. 283/05 for
appropriate orders
copy served.

(Disposed of matter)

Bench

26/5/05