



## FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

## ORDER SHEET

Application No. O.A. 216 of 2005-

Applicant(s) B. Srinivas Mistry Respondent(s) Union of India &amp; others

Advocate for Applicant(s) M/s. B. K. Sahoo  
S. K. Mohapatra  
G. Meishra

Advocate for Respondent(s).....

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

I.P.O. of Rs. 50/- filed.  
Copy served.  
Defects pointed out in serving may readily be seen  
For favour of Registration/ Consideration  
Please.

S.O. (J)

19.5.05  
Defects removed.  
For favour of Registration please.

28-5-05  
S.O. (J)  
26.5.05

DR  
Dhruv

## REGISTER

28/5/05  
Registrar

Order dated 27.5.05

Heard Ld. Counsel for the applicant.

A copy of this O.A. has been served on Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel.

This O.A. has been filed by the applicant against the posting order issued by the Respondents dtd. 23.2.05 (Annexure-6) directing the applicant to join as ACWB (B/R) Office of CWE, Ganganagar. In pursuant of this order the Garrison Engineer, Gopalpur issued part-I Order No. 52 dtd. 25.5.05 relieving the applicant to join in an existing vacancy.

Being aggrieved by this order of relieve, the applicant has approached this Tribunal against the impugned order on the ground that he was not given

Registrar 26.05.05

DR 26/5/05

## Notes of the Registry

## Orders of the Tribunal

For Admire  
Interim order  
Copy Served on Ase

B  
Bhu

26/5/05

any opportunity to represent the authorities as per clause 36 and has assailed that it being highly illegal, arbitrary and violative of the departmental circulars. He has at para-6 of the O.A. submitted that he is not able to represent the authorities as per Clause 36 of the policy 'in view of the fact that as per the posting order (Annexure-6) and in view of the regular signals/messages sent by the office of Sri Ganganagar to relieve the applicant forthwith and view of the fact that the C.E., Central Command's direction to relieve the applicant and in view of the fact that the applicant has represented to the authorities by representation dtd. 08.04.05 and no order has been communicated on the said representation....'

The Lt.Sr.Standing Counsel for the Respondents brought to our notice that his grievance against the posting to Mumbai on which he submitted his representation dtd. 08.04.05 has lost its relevance because it was as early as on 23.2.05 (Annexure-6) that the Respondents by their order at serial 15 of that annexure has cancelled the earlier posting of the applicant to Mumbai and had ordered his posting under CME Sri Ganganagar.

The Lt.Counsel for the applicant confirmed that the applicant has not filed any representation in terms of para 39 of the guidelines for the reasons that he had given at para-6 of the O.A. We have perused his submission at para-6 and we are not impressed by his submission because he had himself admitted that he had knowledge of having <sup>hi posting out,</sup> the copy of the 5<sup>th</sup> para-1 order, that he had been posted to Sri Ganganagar and there had been pressure from the other side

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NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

to relieve him. In the circumstances his inability to represent to the departmental authorities and his rushing to the Tribunal are not at all credible or permissible.

As he has not exhausted the departmental remedies, he, in the first instance, should exhaust the departmental remedies and therefore he is directed to submit a representation, if he <sup>is</sup> so advised, to the departmental authorities for consideration.

We, however, pass no order with regard to his retention at the present place of posting. We, however, hope and trust that if he ~~has~~ submitted his representation before the departmental authorities, the authorities will definitely give him full opportunity to explain his case before posting him <sup>out</sup> to take up ~~its job~~ at a new place of posting.

A copy of this order be given to both the parties.

~~Member (J)~~

~~Vice-chairman~~ 27/7/75

Copy or copy  
may be shown to  
Court & solicitor

*Sh*  
31/5/75

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