



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. O.A. 216 of 2005Applicant (s) B. Srinam mesty Respondent (s) Union of India & others

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

NOTES OF THE REGISTRY

T.p.O of Rs. set-
 filed.
 Copy served.
 Defects pointed out
 in Serecting may
 kindly be seen
 For favour of Registr-
 ation / Consideration
 please.

S.O. (J)

19.5.05

Defects Removed.
 For favour of
 Registration please.

28-5-05

[Signature]
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S.O. (J)
 26.5.05

[Signature]
[Signature]

Registrar

26.05.05

ORDERS OF THE TRIBUNAL

REGISTER

[Signature]
 26/5/05
 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 ACWE (B/R) Office of CWE, Ganganagar. In pursuance
 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

Notes of the Registry

Orders of the Tribunal

For Adm. order
Interim order
Copy Served on Asc

B. S. S.

26/5/12

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.03.04.05 and no order has been communicated on the said representation....'

The Id.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.03.04.05 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 Id.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 ^{his posting out,} having the copy of the ^{lost} para-1 order, that he had been posted to Sri Ganganagar and there had been pressure from the other side

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 is 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 ^{out} to take up ^{the job} at new place of posting.

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

Member (J)

Vice-chairman

Copied or copy
may be done to be
copy to both

36524

31/9/85