

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

1. For Admission
2. Preliminary Counter
not filed.
DS
20/12/05
Bever

Order dated 02.01.06

Applicant (A.K.Jena) Assistant Stores Officer of Regional Institute of Education at Bhubaneswar, having faced an order of transfer to Guwahati, filed the present Original Application No.901/05. The substitute of the Applicant (Res.No.4), having been relieved from Regional Centre (Publication Division) of NCERT, Maligaon, Guwahati on 14.11.05 reported to duty in the forenoon of 21.11.05 and in the said premises, the Applicant was relieved vide relieve order No.9036 dtd. 21.11.05 under the signature of the Administrative Officer of Regional Institute of Education of Bhubaneswar. The text of the relieve order dtd.21.11.05 reads as under:

"In pursuance of Council's Order No. F.14.12/2004/E-III/135 dated 26.10.2005, Sri A.K.Jena, Assistant Stores Officer is relieved of his duties in this Institute with effect from the forenoon of 21.11.05 with the instruction to report for duty to the Incharge, Assistant Business Manager, R.C.P.D., Guwahati. Sri Jena presently on Commuted leave with Medical Certificate for 15 days with effect from 15.11.05. He will report to duty on the expiry of Commuted leave and after availing usual joining time. He should hand over the charge to Sri.SaA.Narasaiah, Asst.Stores Officer before he reports to duty at Incharge Assistant Business Manager, ROPD, Guwahati.

This Issues with the approval of the Principal."

This relieve order shows that the Applicant was on leave and, therefore, the relieve order expressly stated that the Applicant should report to duty at Guwahati on expiry of the commuted leave period and after availing usual joining time.

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On the aforesaid 21.11.05, on the prayer of the Applicant, an interim order was granted by this Tribunal in the present O.A.901/05; because there were some ambiguity in the transfer order.

By filing preliminary counter, the Respondents have clarified that the transfer of the substitute (Res.No.4) was not temporary and that the transfers of the Applicant and Res.No.4 were regular in the interest of the administration. It has also been clarified that since the substitute (Res.No.4) had spent the due period in an out of station like Guwahati, his transfer to a place of his choice became the administrative end and as a consequence thereof the Applicant had to face a transfer.

The ambiguity in the transfer order having thus been removed, it cannot be said any more now that there were any difficulty in passing of the impugned transfer order.

The Applicant has stated that he had some personal difficulties especially in the mid-academic session for which it may be difficult for him to leave behind his family at Bhubaneswar.

While disposing of this O.A., it is left to the Respondents to consider the grievance of the Applicant and while doing so, the Respondents may allow the Applicant to retain his quarters at Bhubaneswar ^{till} either end of the present academic session and allow him, in the circumstances, time to hand over

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Order No 2-1-06

copy of Order with
Original Application may be
sent to all respondents and
copy of Order may be given to
both the Counsels.

1/1/06

S.O. (J)

the charge to the substitute and more time
to resume duties at Guwahati.

In the circumstances the Applicant should
hand over charge to the substitute (Res.No.4)
by 10th of January, 2006 and avail required
transit time and report at new station/
Guwahati in time.

With the afore said observation, this
O.A. is disposed of.

Send copies of this order to the Applicant
and to the Respondents in the address given
in the O.A.; free copies of this order be also
given to Mr.B.S.Tripathy, Id.Counsel appearing
for the Applicant and to Mr.U.B.Mohapatra, Id.
Sr.Standing Counsel.

Member (J)