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O.A.NO.616 OF 2006

ORDER DATED 29.08.06

The case of the Applicant is that he is an ex-serviceman, who after retiring from Army, joined as Section Engineer under Khurda Division, East Coast Railway on 19.02.2001. Since then he has been working as Section Engineer in the Office of Res.No.2. And the matter stood thus, on 13.03.2006, Res.No.1 issued a transfer order transferring him as Section Engineer, TRD, Cuttack. After that the applicant represented (under Annexure-2) to the Res.No.1(Sr.Divisional Personnel Officer) Khurda Road on 17.03.2006 praying for cancellation of his transfer, which is pending consideration till date. And he also submitted a certificate issued by the Principal, Kendriya Vidyalaya, Jatni in favour of the Applicant indicating the fact of appearing CBSE 10th Exam by the son of the Applicant during the academic session 2006-07. Despite that Res.No.2 has advised the Res.No.4 to release the Applicant with immediate effect with an advice to join at Cuttack.

2. Heard Mr.P.K.Mohanty,Ld.counsel for the applicant, and Mr.S.K.Ojha,Ld.Standing Counsel for the Respondents; on whom a copy of this O.A. has already been served.

3. Ld.Counsel for the applicant strongly prays for issuance of stay order against the transfer order under Annexure-1. It is stated by the Ld. Standing Counsel for the Railways that the Applicant has already been relieved and the same is contested by the Counsel for the Applicant.

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Ld.counsel for the Applicant submits that the representation under Annexure-2 is pending with the Res.No.1 for disposal.

4. Having heard the Counsel for both the parties, I hereby directed to Res.No.1 to dispose of the representation under Annexure-2 pending with him within a month, ^P till then the Applicant should not be relieved if not already relieved.

5. With the above direction, this O.A. is disposed of with no order as to costs.

6. Send copies of this order to the Respondents along with copies of this O.A. and free copies of this order be given to the Counsel for both the parties.


B.M.
MEMBER(ADMN.)