

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. Dr. 26.7.02

Counter filed by
R-1 to 4. Copy not
served counter by R-5
not filed.
For further order.

Bench

Or. Dr. 26.7.02

Counter copy of
R-1 to 4 not served.
~~for~~ counter not
filed by R-5.
For further order.

Bench

Or. Dr. 29.11.02

Counter by R-5
not filed.
For further order.

Bench

Or. Dr. 7.1.03

Copy of Or. Dr.
7.1.03 sent to all
resps. & said copies
handed over to counsel
for both sides.

SD
10/1/03Order dated 29.11.02

Shri B. Das submits that he has
served copies of counter on the applicant
as well as on the counsel for R. 5.
At the request of Shri D.P. Dhalasamant,
learned counsel for R. 5, call this
matter on 07.01.2003. In the meantime
Shri Dhalasamant may file counter,
if any.

Vice-Chairman
Member (T)Order dated 7.1.2003

Heard Shri B.K. Mohanty, Advocate for
the Applicant, Shri B. Das, Addl. Standing Counsel
Addl. Standing Counsel representing the
Respondents/Department and Shri D.P. Dhalasamant
appearing on behalf of Res. No. 5.

Applicant, having spent more than
25 years of service at Balasore has been
transferred to Sundargarh (Hirakud Dam Site).
His transfer became inevitable because,
Res. No. 5, who was at Sundargarh (Hirakud Dam
Site) represented to come on transfer for the
reason of his sickness/cancer ailment. Because
of the interim order passed in M.A. 661/02,
Respondent No. 5 has already been adjusted in
some station at Balasore.

Now, by filing a counter the
Respondents have explained that the station
at Sundargarh/Hirakud Dam Site is a difficult
station which requires to be manned constantly
for flood forecasting and gauge discharge
observation etc. in various river basins.

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It is the further case of the Respondents, as disclosed in the counter that the Applicant having been longest stay at Balasore is the next available person to be disturbed; and, as a necessary consequence, he has to be posted at Sundargarh/Hirakud Dam Site.

Transfer is an incident of service. No doubt, disturbing a Group D employee like the Applicant requires compelling reasons. In the counter, the Respondents have tried to make out a compelling reason in disturbing the Applicant from Balasore to Sundargarh/Hirakud Dam Site.

Without entering into the merits, however, this O.A. is disposed of leaving the matter to be readjudicated/reexamined by the Respondents. Liberty is hereby granted to the Applicant to putforth his grievances before the Respondents by making a detailed representation by the end of January/2003 and the Respondents should give due consideration to the grievances of the Applicant in the matter of his transfer from Balasore to Sundargarh/Hirakud Dam Site; and until further consideration is given to the grievances of the Applicant, he may be allowed to continue at Balasore.

This O.A. is disposed of as above.

No costs.

Send copies of this order to Respondents and free copies of this order be given to both sides.

MEMBER (JUDICIAL)