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OA 68402

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order NO.1 dated 06.08.2002

Applicant (P.R.Tiwari, Principal of Kendriya Vidyalaya at Balasore, Orissa) having been asked to face transfer to this Kendriya Vidyalaya at Aizwal (Mizoram) has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985. The impugned order of transfer dated 04.07.2002 has been issued by the Deputy Commissioner (Admn.) of K.V.S. with the approval of the Commissioner.

2. It is the case of the Applicant that his children are now prosecuting their studies under F.M.University (Hqrs. at Balasore) and therefore, this mid-session transfer is prejudicial to his family interest. It is the further case of the Applicant that he is at the verge of his retirement and, within a period of next three years, he is going to face retirement from service. With these grievances in mind, the Applicant has filed the present Original Application; wherein he has pointed out that the Chairman, Local Managing Committee of the K.V.S. at Balasore had taken up the case of the Applicant before the Hqrs. of the Sangathan; as revealed under Annexure-2 of the O.A.

3. Mr.Ashok Mohanty, the learned senior counsel, who usually appears for the K.V.S.(on whom a copy of this petition has been served) has pointed out that the impugned order (of the transfer of the Applicant) under Annexure-1 dated 4.7.2002 has been ordered in public interest and since the transfer is ^anormal

incident of service, the Applicant ought to have raised his grievances, if any, before his authorities for redressal. Stating so, Mr. Mohanty vehemently objects the very prosecution of the Original Application.

4. Having heard Mr. A. Rath, the learned counsel for the Applicant and Mr. Ashok Mohanty, learned senior counsel for the K.V.S., this Original Application is disposed of by giving liberty to the Applicant to represent his grievances before his authorities (at K.V.S. Headquarters) within a period of seven days and, in the event of presentation of such a representation by the Applicant, the authorities/respondents should give due consideration to the same (by keeping in mind the fact that the applicant is going to face retirement within a period of three years from now and that his children are prosecuting their studies half way in the F.M. University at Balasore in Orissa by the end of August, 2002.

5. It is submitted by the Advocate for the Applicant that till then a direction be issued to the respondents not to disturb the Applicant from his present place of posting and in case it is not feasible to allow the Applicant to continue at Balasore, then his case need be considered for adjustment at Baripada; where there is a vacancy.

6. In the peculiar circumstances of the case, it is, however, ordered that the Respondents should not disturb the Applicant from Balasore till the end of August, 2002/till the disposal of his representation, if the same is made within

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a period of seven days. While considering the representation of the Applicant, the authorities/ respondents, shall, however, remain free to give alternate nearby posting to the Applicant; if his continuance at Balasore shall not be feasible administratively.

7. With the above observations and directions, this Original Application is disposed of. No costs

Manoranjan Mohanty
06/08/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

Later: 6.8.2002

Send copies of this order, along with copies of the Original Application to the Respondents by Regd. Post with A.D. and free copies of this order be also made available to the learned counsels of both the sides.

Manoranjan Mohanty
06/08/2002
MEMBER (JUDICIAL)

Copies of order dt 6/8/02
Issued to counsel for son
Mdn.

for 6-8-02

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Copies of order

dt. 6-8-02 alongwith
copies of ord. communi-
cated to all respds.
by Regd / A.D.

Manoranjan Mohanty
29/8/02
So

for 29/8