



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. 764 of 2002
Applicant(s) Govinda Chandra Behera Respondent(s) G.O.I and others
Advocate for Applicant(s) M/s Ananda Ch. Swain Advocate for Respondent(s) D.D. Dash

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>P.O/B.D. for Rs.50/- filed For Registration please</p> <p><u>Bul</u> 23.08.02</p> <p><u>D.R.</u></p> <p><u>an. Memo.</u> For Admn Pl with Stay - copy of case <u>Bul</u> 23/8/02 <u>Behera</u></p>	<p>REGISTER</p> <p><u>Dy. Registrar</u> 23.08.02</p> <p><u>Or.No.1 dated 26.8.2002</u></p> <p>Heard Shri A.C.Swain, the learned counsel for the applicant and Shri A.K.Bose, the learned Senior Standing Counsel, appearing for the Respondents.</p> <p>On being transferred vide order dated 14.5.2002 from Bhubaneswar to Sambalpur, the applicant, a Stenographer, Gr.I made a representation to the Respondents on 17.5.2002, for cancellation of the said transfer and the</p>

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	<p>said representation having been rejected in order dated 27.5.2002 by Respondent No.1, the applicant had earlier approached this Tribunal in Original Application No.512/2002. This Tribunal had granted the interim stay vide its order dated 11.6.2002. While disposing of the O.A., this Tribunal, in order dated 5.8.2002 directed that the applicant should make a representation to the Respondents for redressal of his grievances. The applicant, thereafter submitted a representation dated 9.8.2002 before Respondent No.1 and the same said representation having been rejected in order dated 19.8.2002 by directing the applicant to be relieved on the same day, the applicant has approached this Tribunal through this O.A. seeking, as an interim measure, the stay of operation of the order of transfer dated 19.8.2002 (Annexure-9).</p> <p>In his representation dated 9.8.2002 <i>Counsel for the applicant represented</i> also described that the education of his <i>his offspring</i> children would be adversely affected as the transfer is likely to be effective during mid academic session and therefore, prayed therein for deferment of the transfer till the end of May, 2003. However, on going through the representation made to the</p> <p>representants by the applicant in his letter dated 9.8.2002, it is seen that the applicant did not pray for deferment of the transfer till the end of May, 2003, but he sought for cancellation of the said transfer order. It is seen that the applicant's wife is serving as a Teacher and in any case she is</p>

not going to move to Sambalpur, as submitted by the learned counsel for the applicant and she along with her children ^{would continue} have to stay in the Income Tax quarters at Bhubaneswar. We also see that no malafides have been alleged against the order of transfer and on the contrary the Respondents, ~~xxxx~~ keeping in mind the requirement of a Sr. Stenographer at Sambalpur as well as his ^{long} stay at Bhubaneswar for 16 years, have transferred the applicant.

For the reasons discussed above, we do not see any merit in this O.A. which is accordingly dismissed. No costs.

V. Subh
MEMBER (ADMINISTRATIVE)

J
MEMBER (JUDICIAL)

Copy of order
17.26/8/02 issued
to the Counsel
for both side.

On
S.O. 27/08/02

M
27/8/02