



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) .... C.O.I and others.  
 Advocate for Applicant(s) M.P. Ananda Ch. Swain. Advocate for Respondent(s) ....  
 D. D. Dash.

**NOTES OF THE REGISTRY**

**ORDERS OF THE TRIBUNAL**

**REGISTER**

*Dem. by*  
Dy. Registrar 23.08.02

Or. No. 1 dated 26.8.2002

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.

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

M. Memo.

For Admin Pl. with  
stay - copy of above  
*DM* 23.08.02 *Blach.*

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

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).

~~In his representation dated 9.8.2002~~  
~~Complaint for the wife without representation~~  
~~also described that the education of his own~~  
~~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~~  
~~respondents 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

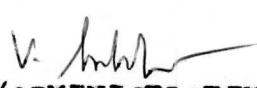
not going to move to Sambalpur, as submitted by the learned counsel for the applicant and she along with her children <sup>would continue</sup> have to stay in the Income Tax quarters at Bhubaneswar. We also see that no malafides have been alleged against the order of transfer and on the contrary the Respondents, <sup>know</sup> keeping in mind the requirement of a Sr. Stenographer at Sambalpur as well as his 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.

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

Day  
S.O. 27/08/02

By  
27/08/02

  
V. J. H. H.  
MEMBER (ADMINISTRATIVE)

  
MEMBER (JUDICIAL)