

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

10.01.2003

Ld. Counsel for the Applicant is present. AD from R-2 returned after service.

Shri S.K. Ojha, Ld. Counsel files a Vakalatnama in favour of R-2 and 3 and prays for time to file counter. Heard. Time granted till 31.1.03 for counter. The other respondents are absent on call and no steps taken by them to file any counter.

REGISTRAR

counter not filed. none appears on behalf of other respds except R-2 & 3.

31.01.03

Ld. Counsel for the Applicant is present. Shri S.K. Ojha, Ld. Counsel appearing for R-2 & 3 prays for further time to file counter. Heard. Other Respondents are absent on call and no steps taken by them to file any counter. Heard. Time granted till 17.2.03 for counter.

REGISTRAR

counter not filed.

Order Dated- 29.7.04

Heard Mr. A.K.Mishra, Ld. Counsel for the Petitioner and Mr. S.K.Ojha, Ld. Counsel for the Respondents.

2. The Applicants by filing this O.A. has sought a direction to be issued to the Respondents to grant him the benefits of promotion to O.S.Gr.I w.e.f. 18.4.95. He has also prayed for quashing the order dated 6.2.2002 (Annex-I) promoting the private Respondents to the grade of Chief O.S. and for directing the Departmental Respondents to consider his case for promotion to the grade of Chief O.S. if he is found suitable for the said grade with all service benefits.

3. The Applicant was promoted to O.S.Gr.I w.e.f. 1.3.93 and while working in that grade he applied for transfer to Bhubaneswar on personal grounds. He pursued the matter by submitting representations giving undertaking as he had done in Annexures-R2 & R3 that he was willing to avail a transfer to Bhubaneswar either in the same grade, and, if that is not possible, he may be posted as O.S.Gr.II. He was also willing to be the junior most among the O.S.Gr.II staff in seniority. Upon receipt of this application<sup>on</sup> at an Annexure-R3 dated 27.9.94, the Respondents allowed his transfer and posted him to Bhubaneswar vide their order dated 29.9.94 (Annexure-R4). Subsequently, the Applicant was granted promotion to O.S.Gr.I when he agreed to move out of Bhubaneswar to be posted at Khurda, where only one O.S.Gr.I post was available w.e.f. 31.7.2000

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

17.02.03

Ld. Counsel for the Applicant is present. Shri Ojha, Ld. Counsel prays for further time to file counter. Heard. Last chance granted to file counter by 10.03.03. Other respondents are absent and no steps taken by them to file any counter.

REGISTRAR

Counter not

filed.

Reg

26.03.04

The parties are absent on call. No steps taken to file any counter even after availing last chance. Therefore, put up before the Bench for further orders.

REGISTRAR

Counter not filed. Except R-2 & 2 none appears for orders.

appears for orders.

Bench

Dr. Sh. 24.06.04

For Hearing

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24/2

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24/2

Copies of or. dated 29.2.04 prepared for Counsel for both sides.

After gaining back his promotion to O.S.Gr.I, he has come in this O.A. before us seeking restoration of benefit from the date, he was originally promoted to that grade.

4. We have heard the Ld. Counsel for both the parties and have also perused the records placed before us.

5. Having regard to the facts and circumstances of the case, we see no merit in the application as the reversion of <sup>the</sup> applicant to O.S.Gr.II took place only at his request. He had also given unconditional submission that he was willing to be treated as junior-most among the O.S.Gr.II staff, if he was posted to Bhubaneswar. The Respondents having only obliged the Applicant by acting strictly

in letter and spirit of his application, it is not open to him to turn back now and ask for the moon which is not possible to be made available. In the aforesaid premises, this O.A. is without any merit.

6. This is accordingly dismissed. No costs.

VICE-CHAIRMAN

MEMBER

29/02/04