

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## CUTTACK BENCH

### ORDER SHEET

Original Application No. 71 of 2002

Applicant (s) Babaji Das Respondent (s) Union of India & others

Advocate for Applicant (s) M/s N. C. Pati Advocate for Respondent (s) A.K. Mohapatra

S. Misra

S. Toppalhy

N. Singh

A.K. Panda

#### NOTES OF THE REGISTRY

LP.O/B.D. for Rs.50/- filed  
For Registration please.

on memo

12/2/02

12/2/02

For Admission & Inform  
order - Copy received.

Babu

12/2/02

#### ORDERS OF THE TRIBUNAL

#### REGISTER

12/2/02  
Registrar

#### 1. ORDER DATED 12-02-2002.

Heard Shri N.S Singh, learned counsel  
for the Applicant and Shri R.C. Rath, learned  
ASC appearing for the Respondents.

The applicant who stands transferred  
from Store/BDPK to AXEN/RRD/RCTC by Respondents  
order dated 15-1-2002 (Annexure-1) has come up  
before us seeking a direction to be issued to the  
Respondents to relieve him and to allow him  
to join his new assignment at Raghunathpur. A copy  
of the aforesaid transfer order has not been  
officially served on the Applicant, who has come  
to know about his transfer from informal  
sources and has also obtained a copy of the

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of  
the order dt. 12.2.02  
Given to the both  
counsel.

Papa  
13/2  
PA  
14/2  
S.O

~~10/2~~

Free copy of  
the order  
dt. 12.2.02 with  
O.A. copies sent  
to all respondents  
by post.

Papa  
20/2  
PA  
24/2  
S.O

transfer order which has been placed at  
Annexure-1.

Learned counsel appearing on behalf of  
Respondents, who has accepted notice on this  
O.A. argues that the present Original Application  
should be dismissed as premature as the applicant  
has not sought departmental remedy in the matter  
in accordance with Sec. 20 of the Administrative  
Tribunals Act, 1935.

We have considered the matter and find  
that even if the departmental remedy has not  
been sought in the manner argued by learned  
counsel for the Respondents, it will be in  
order and in the interest of justice and  
fairplay if we, at this very stage, direct  
the Respondents to consider the matter by  
treating the present O.A. as a representation  
made on behalf of applicant and take steps to  
relieve the applicant expeditiously. In the  
alternative, the Respondents are directed to  
pass a reasoned and <sup>a</sup> speaking order in the  
matter and communicate the same to the  
Applicant within a maximum period of one  
month from the date of receipt of a copy  
of this order.

The O.A. is disposed of with the  
observations and directions made above. No costs.

Manoranjan Mohanty  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

S. A. T. Rizvi  
(S. A. T. RIZVI)  
MEMBER (ADMN.)

KNM/CM.