

6
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.1019 OF 2002
Cuttack this the 19th day of February/2004

Jagabandhu Mishra ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*


(B.N. SOM) 19/2
VICE-CHAIRMAN

7
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.1019 OF 2002
Cuttack this the 19th day of February/2004

CORAM:

THE HON'BLE MR. B.N. SOM, VICE-CHAIRMAN

...

Jagabandhu Mishra, aged about 43 years,
S/o. Akhila Mishra, At: Kundaposi,
Dist-Keonjhar, at present residing
At Sector-1, Plot No.147, Niladri Vihar
Chandrasekharapur, Bhubaneswar

...

Applicant

By the Advocates

Mr.P.C.Acharya

-VERSUS-

Union of India represented through its Secretary,
Department of Environment and Forest, Paryavaran
Bhawan, C.G.O.Complex, New Delhi-110003

...

Respondent

By the Advocates

Mr.J.K.Nayak, A.S.C.

ORDER

MR.B.N.SOM, VICE-CHAIRMAN: None appeared for the
applicant nor the applicant did appear in person when
called. There has been no prayer made on behalf of the
applicant seeking an adjournment. In this case pleadings
have already been complete. In view of this, it is not
desirable to adjourn the matter any further, especially
in the absence of any request for adjournment. However,
with the aid and assistance of Shri J.K.Nayak, learned
Addl.Standing Counsel I have perused the materials
available on record and also heard him.

2. In this Original Application the applicant has
prayed for direction to be issued to Respondents to
change his cadre from Manipur-Tripura to Orissa/Chhatisgarh/
Uttaranchal/Jharkhand cadre or to any other place as the


Central Government desire and/or alternatively to direct the Respondents to take a decision in the matter of change of cadre (I.F.S.) and to adjust him on central deputation to any other cadre except Manipur-Tripura cadre.

3. The case of the applicant is that while working as D.F.O. in Manipur, he was terrorized by the terrorists and thereby safety and security of his life became a prime factor and therefore, his mobility was seriously hampered *and interfering with* his normal discharge of duties. It is his case that although he was, on his request, transferred out of Manipur to Shillong and thereafter to Bhubaneswar as General Manager, TRIFED on a two years tenure basis, this tenure came to an end with effect from 17.10.2002 ^{but} his problems have not ended. Because after that the applicant has not been allowed to join either in the Forest and Environment Department or has he received any instruction to that effect. It is in this background, he has approached the Tribunal for mitigation of hardship and to render justice to him.

4. The sole Respondent by submitting a detailed counter has contested the application. It has been submitted that after completion of his tenure as General Manager, TRIFED the applicant neither formally reported back to his cadre, i.e., Manipur-Tripur cadre, nor did he approach Res.No.1. It has also been submitted that the Central Government have carefully considered the request of the applicant for change of his cadre, but it has not been found possible to accede to his request as his case was

not covered by the guidelines framed in this regard by the Central Government, which was circulated to all concerned vide their letter dated 20.7.1995(Annexure-R/1). It has further been submitted by the sole respondent that the decision in this regard was also communicated to his(applicant's) father vide their letter dated 22.5.2000 (Annexure-R/2). The learned Addl.Standing Counsel has further submitted, drawing my notice to the rejoinder filed by the applicant that the applicant has never informed Res.No.1 nor has he obtained permission for enrolling his name with Utkal University for post Doctorate research in Forestry. From the rejoinder submitted by the applicant, it is not clear whether he has obtained formal permission of the Principal, Chief Conservator of Forests, Govt. of Manipur, to whom his request for grant of study leave from 18.20.2002 to 18.10.2004 was addressed.

Having regard to the facts and circumstances of the case as discussed above and the submissions made by the respondent that the applicant's father was communicated with the decision with regard to change of cadre from Manipur-Tripur to Orissa/Chhatishgarh/Uttaranchal/Jharkhanda, I see no merit in this case, which ^{accordingly} stands dismissed, leaving the parties to bear their own costs.


(B.N. SOM)
VICE-CHAIRMAN

BJY