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O.A. No.14/2008

Order Dated 31.01.2008

Coram : Hon'ble Shri C.R. Mohapatra, Member(A)

Ms. C. Padhi, Ld. Counsel for the applicant appears and submits that the order of this Tribunal in O.A. No.427/07 (Annexure-A/3) has not been implemented in letter and spirit by the concerned authorities of NCERT i.e. Respondent No.1. While, rejecting his representation at Annexure-A/4 a general statement has been made that " all the points raised in your representation referred above have been examined carefully but it is not possible to accept your request for transfer and posting at NCERT, Hqr. New Delhi in the Academic interest of the Council".

2. Ms. Padhi, Ld. Counsel for the applicant further submits that the order of rejection is not a reasoned order. She seeks interim relief to restrain Respondent No.1 for filling up of one vacant post of Reader in Chemistry in NCERT, Hqr. New Delhi, and further to quash the order of rejection at Annexure-A/4.

3. Mr. G. Singh, Ld. Counsel appears for the Respondents, and submits that he has received the copy of the O.A. and he says that order has already been issued by the competent authority at Annexure-A/4 rejecting the representation of the applicant for transfer from Bhubnaneswar to New Delhi in the post of Reader in Chemistry.

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4. The applicant accepted his promotion at Bhubaneswar and thereafter made representation for transfer to Delhi, citing various reasons. Now the applicant is already working in Bhubaneswar and the Ld. Counsel for the applicant says that there are number of posts laying vacant in Delhi.

5. Without going into the merit of the case and keeping in view his difficulties and the instructions of the DOP&T for accommodating the wife and husband in the same Station as far as possible, the Respondent No.1 is directed to consider the representation sympathetically and give a reasoned order covering all the points mentioned in the representation of the applicant. The reasoned order/decision regarding transfer from Bhubaneswar to Delhi shall be communicated to the applicant within a period of 02 months from the date of communication of this order.

6. Accordingly, this Original Application is disposed of at the admission stage. No order as to cost.

7. Send copies of this order along with copies of the O.A. to Respondent No.1 and copies of this order also to Ld. Counsels appearing for both sides.



MEMBER (A)