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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 193 of 2008  
Cuttack, this the 23<sup>rd</sup> day of May, 2008

Prafulla Kumar Sahoo.... Applicant  
-Versus-  
Union of India & Ors. .... Respondents.

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not?
2. WHETHER it be circulated to all the Benches of the Tribunal or not?

(C.R.MOHAPATRA)  
MEMBER(ADMN.)

K. Thankappan  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
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Cuttack, this the 23<sup>rd</sup> day of May, 2008

C O R A M:-

THE HON'BLE MR. JUSTICE K.THANKAPPAN, MEMBER(J)  
AND  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(ADMN.)

Prafulla Kumar Sahoo, aged about 60 years, Son of Late Upendra Sahoo, presently working as Divisional Forest Officer, Rourkela (KL) Division, Panposh, At/Po-Rourkela, Dist. Sundargarh.

.... Applicant

By legal practitioner : M/s. H.M.Dhal, B.B.Swain, N. Mishra,  
A.K.Pattanayak, Counsel.

-Versus-

1. Union of India, represented through its Secretary to Government, Ministry of Environment and Forest, Lodhi Road, New Delhi.
2. State of Orissa represented through its Principal Secretary to Government Forest & Environment Department, Secretariat Building, Bhubaneswar.
3. State of Orissa represented through its Secretary to Government General Administration Department, Secretariat, Building, Bhubaneswar.

.... Respondents.

By legal practitioner: Mr.A.K.Bose, GA & Mr.  
U.B.Mohapatra, SSC.

ORDER

(Oral)

MR. JUSTICE K. THANKAPPAN, MEMBER (J):

It is trite law that promotion, transfer and postings of Government employees are the prerogative of the Government/employer. But on going through the promotion order dated 11.03.2008 - a copy of which is annexed as Annexure-A/1, it is understood that the benefits of promotion to the post of Conservator of Forests will be availed by the Officers only **on the date of joining in the promotional post.** It was further ordered that the **place of posting of the above officers will be notified by the Forest and Environment Department.** This rider in the order of promotion under Annexure-A/1 forced the Applicant to approach this Tribunal seeking for the following relief:

“(i) The action of the Respondents No. 2&3 in not issuing posting order in pursuance of Annexure-A/1 be declared illegal, arbitrary and without any authority of law;

ii) the Respondents No.2 & 3 be directed to issue posting order in pursuance of Annexure-A/1 forthwith."

2. Apart from the above, Learned Counsel for the Applicant submits that the Applicant is to retire from Government service on 31.05.2008. With the above facts and situations of the matter, we are of the considered view that the Applicant is in dire need of a direction, as prayed for, in this Original Application. However, we are not in a position to give a direction to the Government to post any officers on promotion/transfer but in view of the Notification under Annexure-A/1, it is only proper for this Tribunal to apprise the fact to the Government hoping that the Applicant and other officers will be given postings preferably on or before 28<sup>th</sup> May, 2008. **It is made clear that if no such posting is given to the Applicant by 28.05.2008, in view of his ensuing date of retirement, he shall be deemed to have been posted in any of the existing promotional Posts OF Conservator of Forest in the State with effect from 28.05.2008.**

3. With the above observations and directions, this O.A.

stands disposed of. There shall be no order as to costs.

(C.R. Mohapatra)  
Member (Admn.)

K. Thankappan  
(Justice K. Thankappan)  
Member (Judicial)

KNM/PS.