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O.A. No. 211/08

ORDER DATED 28<sup>th</sup> May, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (J)  
Hon'ble Shri C.R. Mohapatra, Member (A)

Heard Mr. B. Mohanty, Ld. Counsel for the Applicant and perused the averments <sup>and the documents</sup> filed along with the Original Application. The Ld. Counsel for the Applicant submits that since the applicant has already served several other stations including the Hard Station of Koraput and he is working now at Bhubaneswar for the last 02 years, the transfer now evidenced from Annexure-A/3 and the relieving order Annexure-A/7 are irregular and illegal and hence the transfer order may be stayed.

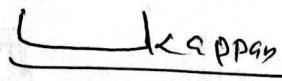
2. On going through the averments and the guidelines for transfer, we have found that the stand taken by the Ld. Counsel for the applicant that the transfer made is in violation of the guidelines issued for the purpose of transfer and <sup>is not correct.</sup> The applicant being the junior-most among the 03 PETs working in Bhubaneswar, the senior ought to have been transferred as per the guidelines. The Ld. Counsel also submits that now the applicant has to go from Bhubaneswar to Jharsuguda and it makes hardship to him and hence the transfer order may be interfered with.

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3. On reading of the guidelines, it appears that if there is excess or surplus <sup>hands</sup> in a station and if any transfer is initiated for administrative reason, the authority shall consider certain principles for transferring the employees from that station to another, even to another Region. In this context, it is an admitted case before us that in Bhubaneswar, there are 03 PETs including the applicant and at the same time the Kendriya Vidyalaya No.4, Bhubaneswar, is not having +2 classes and hence it is only proper for the authority to transfer any of the PETs to some other station. In this <sup>context</sup> ~~contest~~, it is also found from the file that the present transfer is initiated on the request made by the Joint Commissioner(Admn.) after due enquiry. In the above circumstances, we are of the view that the orders now passed by the authority are in accordance with the guidelines and it is initiated for administrative reasons. Even if the applicant is aggrieved by the order, he may take this matter before the higher authority, as the guidelines provide, either on application or suo motu the higher authority can interfere in such matter. In the above circumstances, the applicant has to file representation before the authority. With the above observation and direction, we dismiss this Original Application as meritless.

  
Member (A)

  
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MEMBER (J)