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O.A. No. 486/08

ORDER DATED 8TH DECEMBER, 2008

Coram:

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

Heard Mr. Achintya Das, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Respondents

2. This Original Application has been filed by the applicant challenging the transfer order dated 4/5.11.08 (Annexure-A/4) by which the applicant has been transferred to the original place from where he had been transferred within one year. After going through the averments and on hearing the Ld. Counsel for the applicant and also the Ld. Counsel for the Respondents (on notice), we are of the view that the transfer order now passed by the Respondents does not contain any reason as such. However, transfer being an incident of service, we are not inclined to interfere at this stage. Yet, we are of the view that the applicant is justified in approaching the Tribunal as he has already filed a representation dated 10.11.08 (Annexure-A/5) which has not been considered so far by the Respondents. Hence, we dispose of this Original Application by directing the Respondent No.2 to 4 to consider Annexure-A/5 representation, within a reasonable time, at any rate, within 30 days of the receipt of the



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copy of this order. The applicant is also directed to furnish copies of this O.A and other documents, upon which he has relied on, before this Tribunal to the Respondents on receipt of which the Respondents shall consider the representation dated 10.11.08 of the applicant within the time framed as directed above.

3. With the above direction this O.A stands disposed of at the admission stage itself.

4. It is also made clear that if the applicant is not relieved till date, unless and until a final order has been passed on Annexure-A/5, he shall not be disturbed from the present station post. The operative portion of the order may be forwarded to Respondent Nos.2,3,4, & 6 at the cost of the applicant.


Member(A)


MEMBER (J)