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O.A. No. 11/2011

ORDER DATED 13th JANUARY, 2011

B.C. Mohapatra Applicant

Vs.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, ADMINISTRATIVE MEMBER

&

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

Heard Sri B.K. Nayak-3, Ld. Counsel appearing for the applicant and Sri U.B. Mohapatra, Ld. Sr. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following prayer:-

- “ (a) To quash the order under Annexure-A/1 and A/2.
- (b) To direct the Respondent No.2 to give some alternative posting at nearby station.
- (c) To give any other direction/directions, order/orders as the Hon'ble Tribunal deems fit and proper.”

3. The contention of the applicant is that he has been transferred from Bhubaneswar to Gandhinagar in the same capacity after a period of five years. It appears from the representation at Annexure-A/3 that he has no objection for moving out of Bhubaneswar if he is accommodated in any one of the nearby stations like (a) Raipur (b)Kolkata (c) Visakhapatnam & (d) Patna. This representation dated. 03.12.2010 has been submitted by the applicant to Respondent No.2. Applicant further submits that even if the order has been issued on 29.11.2010 he has not been relieved as he is on leave till date. Sri Mohapatra, Ld. Sr. Standing

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Counsel appearing for the Respondents seeks time to obtain instruction in this matter.

4. We have heard the Ld. Counsel for the parties on the question of admission. During the course of hearing, Ld. Counsel submitted that, a direction may be issued to Respondent No. 2 to consider and dispose of the pending representation vide Annexure-A/3 with a speaking order within a period of one month with intimation to the applicant.

5. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties and since the representation is pending and the applicant has not been relieved, without going into the merit of the case Respondent No.2 is hereby directed to consider and dispose of the pending representation vide Annexure-A/3, as per Rules/Guidelines on the matter relating to transfer of the employees in the Survey of India and communicate its decision within a period of one month from the date of receipt of copy of this order, under intimation to the applicant. Till then status-quo as of date will continue.

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send a copy of this order along with copy of the O.A. to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

8. Sri, B.K. Nayak-3, Ld. Counsel appearing for the applicant undertakes to deposit the postal requisite by tomorrow.

Wde
JUDL. MEMBER

K.B

Bark
ADMN. MEMBER