

O.A. No. 174 of 2009

Order dated: 01.05.2009

CORAM:

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

This matter is taken up on being mentioned by the Ld. Counsel for the applicant.

2. Challenging order dated 03.02.2009

transferring the applicant to Patna as per Annexure-A/6, the applicant has filed the present O.A. It is the case of the applicant that his transfer is against the transfer guidelines/policy set by the Department in as much as he has not completed his tenure of 5 years in the present station.

This apart, his children are studying in various colleges, besides his wife is serving as a Teacher under the State Govt. of Orissa and in the event of his transfer to Patna, it is stated, the entire family life of the applicant will be ruined. The Ld. Counsel Shri B.B. Mohanty submitted that the applicant had filed a representation dated 02.03.2009 (Annexure-A/7) addressed to the Director General, National Water Development Agency (Respondent No.1), which has been duly recommended by the Executive Engineer,

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National Water Development Agency, Bhubaneswar (Respondent No.5), which is pending consideration.

3. We have heard Mr. B.B.Mohanty, Ld. Counsel for the applicant and Mr. S.B.Jena, Ld. Addl. Standing Counsel for the Respondents, on notice.

4. We have considered the submissions made by the Ld. Counsel for the parties. We have also perused the representation of the applicant (Annexure-A/7) and recommendation thereof by Respondent No.5 as per Annexure-A/8. On a reference being made to both A/7 and A/8, it reveals that the applicant's transfer to Patna is due to curtailment of the post of Junior Accountant in the office of Respondent No.5. Though in the matters of abolition and /or curtailment of posts, the Court/Tribunal is not expected to interfere yet keeping in mind the witty recommendation made by Respondent No.5 on the representation of the applicant, we are inclined to direct Respondent No.1, Director General, National Water Development Agency, New Delhi, to consider and dispose of the representation of the applicant within a period of 45 days from the date of receipt of this order. Till then the order of transfer in so far as applicant is concerned vide Annexure-A/7 shall be kept in

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abeyance, provided that the applicant has not been relieved of his duties in the meantime.

With the above direction, the O.A. is disposed of. No costs.

Champal
~~MEMBER (A)~~

Kapp
~~MEMBER (J)~~

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