

Order dated 04-05-2011.

C O R A M

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

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Heard Mr.D.K.Panda, Learned Counsel for the Applicant and Mr. U.B.Mohapatra, Learned Senior Standing Counsel appearing on notice for the Respondents and perused the materials placed on record.

2. The Applicant while working as a Cook in the ARC Hospital under Aviation Research Centre, Charbatia, Cuttack in a routine order of transfer under Annexure-A/2 dated 13.4.2011 was transferred and posted to ARC Officer's Mess within the same campus. He preferred representation in Annexure-A/3 dated 28.4.2011 requesting not to disturb him from his present place of posting. Since no order has been passed thereon he has approached this Tribunal in the present OA praying to quash the order of transfer under Annexure-A/2 and to direct the Respondents 2 & 3 to consider/reconsider modification of his order of transfer.

3. It was submitted by Learned Counsel for the Applicant that the present transfer and posting will deprive him of the

Patient Care Allowance which he is now getting. He has submitted that since representation is pending, direction be issued to the Respondents to dispose of the pending representation of the applicant and till then his order of transfer and posting should be stayed.

4. It is seen that the order under Annexure-A/2 is a rotational order of transfer and posting of many of the employees from one place to another within the same campus has been made in administrative exigency. In view of the above by following decision of the Hon'ble High Court of Orissa in the case of **Union of India v Prakash Chandra Ray in WP (C ) 17767 of 2010 dated 05.01.2011** we are not inclined to entertain this OA. However, as agreed to by learned Counsel for both sides by applying the law laid down by the Hon'ble Apex Court in the case of **S.C.Saxena v UOI and Others, (2006)9 SCC 583** the Respondents should give due consideration to the representation of the applicant in Annexure-A/3 dated 28.04.2011 within a reasonable period and communicate the decision in a well reasoned order to the Applicant provided the applicant meanwhile joins in his new place of posting.

5. With the aforesaid observation this OA stands disposed of at this admission stage.

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6. Send copy of this order along with OA to the Respondent No.3 and free copy of this order be given to Learned Counsel for both sides.

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(A.K.PATNAIK)  
Member (Judicial)

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(C.R.MOHAPATRA)  
Member (Admn.)