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O.A. No.266/2011

ORDER DATED 19th OF MAY, 2011

H.M. Moharana Applicant
Vrs.
Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.
&
HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.
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Heard Sri B. Panda, Ld. Counsel for the applicant and Sri S. Mishra, Ld. Addl. 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 :-

“ (i) To quash the impugned transfer order in respect of the Applicant in Annexure-A/1 for the ends of justice.
(ii) To award compensation and /or cost to the applicant.
(iii) To direct for appropriate action against the erring officers for causing undue motivated harassment and damage to the applicant for the sake of vindication of justice.”

3. Sri Panda, Ld. Counsel for the applicant submits that on the above prayer the applicant has submitted representation dated 04.04.2011 Annexure-A/6. The said representation is pending before Respondent No.2 for disposal. Having received no response, the applicant has approached this Tribunal by filing the present O.A. Since the representation of the applicant is pending before the Respondent No.2, he prays to direct the Respondent No.2 to consider the pending representation of the applicant at Annexure-A/6 and pass a reasoned order in terms of Rules/Directions/ Guidelines within a specified time.

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4. Sri S. Mishra, Ld. Addl. Standing Counsel submits that applicant's representations have been forwarded by the Chief Commissioner to the Chairman CBDT on 12.04.2011 and 25.04.2011. Accordingly, the applicant is awaiting the decision of the Chairman of the Board. It is further stated by Ld. Counsel for the parties that the applicant has still not been relieved despite transfer order dated 25.03.2011. Hence, having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage it is considered that ends of justice will be met by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/6 and pass a reasoned order within a period of 15 days from the date of receipt of copy of this order if not disposed of already and till the expiry of 15 days from the date of receipt of copy of this order the applicant shall not be relieved. Ordered accordingly.

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

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


MEMBER JUDL.


MEMBER ADMN.

K.B