

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.325 of 2011  
Radha Kanta Seth .... Applicant  
Versus  
Union of India & Ors .... Respondents

1. Order dated : 19-05-2011.

CORAM

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

AND

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

.....

Applicant while working as ITO, Ward 1 (1), Sambalpur, in order under Annexure-A/4 dated 15<sup>th</sup> April, 2011 was posted as TRO, Sambalpur. According to the Applicant, in terms of the instruction under Annexure-A/1, the ITO having five years experience can only be posted as TRO and as per the instruction under Anenxure-A/2 the minimum period of posting is three years. Since he does not fulfill the required conditions, his posting as TRO in Anenxure-A/4 is not tenable. In this connection he submitted representation requesting cancellation of his posting as TRO. But the Respondents without considering his grievance with reference to the instruction under nnexurA/1 & A/2 rejected and intimated to him in Annexure-A/6 dated 5.5.2011. Hence by filing this OA he seeks to quash the order of his posting as TRO so also the order of rejection.

R

2. Heard the parties and perused the records. Learned Counsel for the Applicant submits that since representation has been rejected by the Respondents without assigning any reason and without considering the instruction under Annexure-A/1& A/2 he will be satisfied if direction is issued to the Respondent No.1 to reconsider the grievance of the applicant as made in Annexure-A/5 keeping in mind the instruction under Annexure-A/1 and A/2 within a specified period with further direction till fresh consideration is given to the grievance of the applicant he should not be disturbed from his present post as neither the applicant has been relieved till date nor anybody has been posted in his place. Learned Counsel appearing for the Respondents submitted that he has no objection for passing this order but this Tribunal may pass such order after considering the reply of the Respondents for which some time would be required. We notice that the order of rejection does not contain any reason or disclose that the Respondents considered the grievance of the applicant with reference to the instruction under Annexure-A/1&A/2. In the circumstances while maintaining the order of posting of the applicant as at Annexure-A/4, for the reasons stated above, we quash the order of rejection under Annexure-A/6 with direction to the Respondent No.2 to reconsider the representation of the

5

applicant as at Annexure-A/5 keeping in mind the instruction under Annexure-A/1 & A/2 and communicate the result of the reconsideration to the applicant in a well reasoned order within a period of 15 days from the date of receipt of copy of this order. Till then status quo as of date in respect of the Applicant shall be maintained.

3. In the result, with the aforesaid observation and direction this OA stands disposed of at this admission stage. Send copy of this order along with OA to the Respondent No.2 for consideration and compliance.

  
Member (Judicial)

  
Member (Admn.)