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O.A. No.378/2011

(M.A.590/12)

ORDER DATED 18th OF SEPTEMBER, 2012

G. Behera.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

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

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Heard Sri S. K. Ojha, Ld. Counsel appearing for the applicant and Sri U.B. Mohapatra, Ld. Sr. Standing Counsel for Respondents and perused the materials placed on record.


2. By filing the present M.A. No.590/12 in O.A. No.378/2011 the applicant has made a prayer for issuing a direction to the Respondents to consider the case of the applicant afresh for his posting at Bhubaneswar against an existing vacancy. He further prayed that till such fresh consideration is made, the vacancies at Bhubaneswar should not be filled up without the leave of this Tribunal. Ld. Counsel for the applicant has also filed a letter No.31/1/2010-Estt-XI /1390 dated 26.07.2011 in which it has been indicated that there will be a vacancy of Junior Engineer (Communication) in MERO vice Smt. S. Mohapatra, JE (C) of ERD, CWC, Bhubaneswar. It has also been averred in the M.A. by the applicant that the Respondents had taken a plea that the post against which the applicant was transferred has been occupied by another person namely Sri P.K. Sahani who happens to be surplus at the particular station and due to non availability of vacancy at Bhubaneswar the applicant was sent to Burla. It is submitted by the applicant that during the pendency of the O.A. Sri P.K. Sahani has been transferred vide order dated 23.01.2012 and relieved from Bhubaneswar vide order dated 07.06.2012. In addition to the above, Sri A.K. Chakroverty, JE retired from service on superannuation

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w.e.f. 30.06.2012. Hence according to the applicant two more vacancies have arisen at Bhubaneswar against which the applicant can be accommodated. In this scenario Sri Ojha, Ld. Counsel for the applicant prayed for a direction to the Respondents to consider the case of the applicant for posting him from Burla to Bhubaneswar against one of the existing vacancies.

3. On the prayer of Sri U.B. Mohapatra, Ld. Sr. Standing Counsel for Respondents one week time was allowed to the Respondents to file their reply/objection to the M.A. However, no reply/objection has been filed till date. When the case came up today for further consideration of the M.A. No.590/12 Ld. Counsel for the parties agreed that a direction may be issued to the Respondents to consider the case of the applicant afresh for his posting at Bhubaneswar in case the vacancy exists at Bhubaneswar. Accordingly, without going into the merit of the case this matter is remitted to the Respondents to consider the case of the applicant for posting at Bhubaneswar and pass a reasoned order within a period of 30 days from the date of receipt of copy of this order.

4. With this order the M.A. stands disposed of. Since the prayer in the O.A. is also for posting of the applicant at Bhubaneswar, the Ld. Counsel for the applicant submitted that in view of the order on the M.A. he does not want to prosecute this O.A. any further. Accordingly, the O.A. also stands disposed of.

5. Copy of this order be sent to Respondent No.3 at the cost of the applicant for which Sri Ojha, Ld. Counsel appearing for the applicant undertakes to deposit the postal requisites by 19.09.12.


MEMBER ADMN.