

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 423 of 2011

Ajaya KumarApplicant

Vs

UOI & Ors. Respondents

1. Order dated: 5th July, 2011.

C O R A M

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

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The prayer of the Applicant in this OA filed under section 19 of the Administrative Tribunals Act, 1985 is to quash the order under Annexure-A/1 dated 02-06-2011 transferring him to ROXY under SSE (P.Way)/BUF and posting Respondent No.5 (B.P.Mondal) in his place. He has contended that by making representation under Annexure-A/4 to the Respondent No.3 he has sought cancellation of his order of transfer. But he apprehends his relieve before giving consideration on the said representation. Hence, he seeks interim direction to the Respondent No.3 to dispose of the representation under Annexure-A/4 and till disposal of the representation direction be issued to the Respondents not to give effect to the order of transfer under Annexure-A/1. According to him as he belongs to reserve community he ought not to have been transferred at a short interval.

2. Heard Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing on notice for the Respondents and perused the materials placed on record.



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3. According to Mr.Ojha, Learned Standing Counsel the Sr.DEN (Coordination) to whom the Applicant submitted his representation is not the competent authority to interfere with the order of transfer made in Annexure-A/1. For the aforesaid reason and on the ground that in matter of transfer made in public interest, this Tribunal lacks jurisdiction to interfere, Mr. Ojha, Learned Standing Counsel for the Respondents prays for dismissal of this OA.

4. In view of the above, Learned Counsel for the Applicant seeks leave of this Tribunal to make representation to the appropriate authority seeking cancellation of his transfer and in that event direction may be issued to the said authority to dispose of the said representation within a stipulated period and communicate the result thereof to the Applicant. In the back ground stated above, as agreed to, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with liberty to the Applicant, to make representation, if he so wishes, within a period of seven days and I hope and trust, on receipt of such representation the concerned authority should consider and dispose of the said representation within a period of fifteen days from the date of receipt of such representation. Till then STATUS QUO, as on the date, on the transfer of the Applicant, shall be maintained.

5. Send copy of this order along with OA to the Respondent No.2 for record/compliance.


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