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OA No. 228 of 2009

Pradhan Marandi Applicant
Versus
Union of India and Ors Respondents

1. Order dated 2nd June, 2009

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

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Applicant is at present working as DAOI in the office of the Executive Engineer, Bargarh (R& B) Division, Bargarh. Being aggrieved by his order of transfer under AnnexureA/4 dated 15.5.2009 on the ground that this has been done in gross violation/supersession of the transfer guidelines placed at Annexure-A/3 without considering his option exercised by him in giving his choice place of posting, he has approached this Tribunal in the present Original Application filed U/s.19 of the A.T. Act, 1985.

2. Heard the rival submission of the parties and perused the materials placed on record. Learned Counsel for the Applicant laid emphasis on the submissions made in the pleadings but Learned Counsel appearing for the Respondents opposed the contentions of the Applicant by stating that transfer is an incidence of service and as the applicant is holding transferable post there is no wrong in the order of transfer.

3. Be that as it may, it is seen that the applicant has approached this Tribunal alleging violation of the norms of transfer guidelines etc. without making any effort by way of



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filings representation before his authority. Law is well settled that transfer being an incidence of service Tribunal should not normally interfere in such matter. But that restriction is not indeed available with the authorities ordering the transfer. If the present transfer is in any manner illegal or irregular, the applicant ought to have ventilated his grievance through representation before his authorities. Having not done so, I am not inclined to admit this OA. However, ends of justice would be met if this OA is disposed of at the admission stage granting liberty to the applicant to make representation to his authority three days hence and the said authority to consider and dispose of the representation of the applicant within a period of 15 days on receipt of such representation and communicate the result thereof to the applicant. **It is so ordered.** Till then if applicant has not been relieved he should not be relieved from his present place of posting.

4. In the result, this OA is disposed of at the admission stage.

5. Send copy of this order along with OA to the Respondents and free copy of this order be given to Learned Counsel for both sides.


MEMBER(ADMN.)