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O.A.No.324/09

ORDER DATED 10.8.2009

Applicant, at present working as Officer Surveyor in Survey of India, Bhubaneswar, has approached this Tribunal, being aggrieved by the order dated 9.6.2009(Annexure-A/9) transferring him to Bihar. It is the case of the applicant that his daughter is reading in Class-~~IX~~ in private public school and in case transfer is effected during mid-academic session, it would mar the career of his daughter. Besides, it has been submitted that his wife is employed as a Clerk in State Bank of India at Bhubaneswar which does not carry all India transfer liability. In this connection, the applicant has placed reliance on Office Memorandum No.28034/2/97-Estt(A) dated 12.6.1997 issued by the DoP&T laying down the principles of posting wife and husband at the same station. Setting out all these points, as it reveals from the record, the applicant has made a representation dated 15.6.2009 (Annexure-A/2) to the Surveyor General of India (Respondent No.1).

2. Heard Miss. C.Padhi, learned counsel for the applicant and Shri G.Singh, learned Addl.Standing Counsel (on notice) for the Respondents and perused the materials on record.

3. Having considered the submissions made, we are of the view that this matter could be disposed of at the admission stage. Accordingly, we direct Respondent No.1 to consider and dispose of the representation dated 15.6.2009 (Annexure-A/2) in the light of the O.M. issued by the DoP&T (supra) and communicate the decision thereon to the applicant, as early as possible, at any



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rate, within a period of 30(thirty) days from the date of receipt of this order. We are apprised that the applicant has not been relieved so far nor anyone has been posted vice the applicant. In the above circumstances, it is directed that until a decision as directed above is taken, the order of transfer, in so far as it relates to applicant, shall not be given effect to.

4. With the above direction, this O.A. is disposed of at the stage of admission. No costs.

  
(C.R. MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K. THANKAPPAN)  
JUDICIAL MEMBER