

ORDER DATED 14th AUGUST, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Biswajit Nag..... Applicant.

V.

Union of India & Ors. Respondents.

Aggrieved by the transfer order dated 29.07.09 (Annexure-A/1), this Original Application has been filed by the applicant, with the following prayer:-

- “(i) To quash the order of transfer under Annexure-1 vide Office Order No.32/09 dated 29.07.09.
- (iv) To allow him to join in the existing capacity and grade at Cuttack.”

2. The present applicant is working as Technical Grade-III under Respondent No.4. The main ground urged in this O.A is that the Transfer order is an isolated one issued in the middle of the academic session which would affect the education career of his only daughter who is reading in Class-X. If the transfer is now effected, the entire family will also be affected as the applicant is the sole male member to look after the family. Another ground is that he is under treatment. All these facts were stated in his representation addressed to the Sr. Divisional Electrical Engineer (G), E.Co. Railway, Khurda Road.

3. Heard Mr. Tapan Kumar Mandal, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Counsel for the Respondents and perused the records.

4. We have considered the entire case of the applicant. We see that the grounds now urged in this O.A. are not enough to interfere with the transfer order. If the only daughter of the applicant is studying



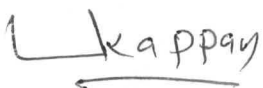
in Class-X and the transfer order has been passed in the middle of the academic session, it is only proper for the Respondents to consider his grievance by giving an answer to the representation already made by him.

5. In the above circumstances, we dispose of this O.A. by directing Respondent No.2 to dispose of Annexure-A/3 representation within a reasonable time at any rate within 15 days of the receipt of the copy of this order. It is also made clear that till a final order is passed, the transfer order be kept in abeyance. This we hold because the applicant has stated that he has not been relieved and no substitute has been posted in his place. If the applicant has already been relieved before this date, the order keeping the transfer order in abeyance shall not be given effect to.

6. With the above observation and direction, this Original Application is disposed of. No order for costs.

7. Copy of this order may also be supplied to Mr. S.K. Ojha, Ld. Counsel for the Respondents appearing on notice for information and compliance.


(C. R. Mohapatra)
Administrative Member


(K. Thankappan)
Judicial Member

Kalpeswar/C.M