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OA No.376 of 2009

Mrs.Puspalata Panda Applicant
Versus
UOI & Ors. Respondents

1. Order dated 24th August, 2009.

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

On being mentioned by Mr. Jayadev Sengupta,

Learned Counsel for the Applicant in presence of Mr.U.B. Mohapatra, Learned Senior Standing Counsel for the Union of India appearing on notice for the Respondents, this matter is taken up today.

2. It is the case of the Applicant that she is a lady teacher working in the post of TGT (O) at Jawahar Navodaya Vidyalaya, Salabani in the District of Mayurbhanj. Though as per the policy of transfer an employee is prohibited from the vice of transfer from one station to other if he/she has crossed the age of 50 years, in gross violation of the said transfer guidelines, she has been transferred and posted to Katni in the State of MP vide order under Annexure-A/6 dated 19th August, 2009 and in her place Respondent No.5 has been posted. Her grievance is that she has made representation which was also forwarded by the Principal, seeking cancellation of her order of transfer. But she apprehends that before any decision is taken on her representation she is likely to be disturbed from her present place of posting. Hence, by filing this OA, the Applicant while seeking to quash the said order of transfer relating to her and Respondent No.5, by way of interim relief she has prayed to
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direct the Respondents to keep the order of transfer under Annexure-A/6 in abeyance till a decision is taken in the matter as she has already crossed the age of 50 years.

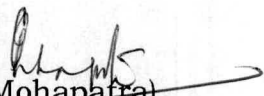
3. Similar matter has already been dealt with by this Tribunal previously. Further also it is seen from the record that as a matter of policy the Samiti decided to transfer those regional language teachers who are continuing for more than five years in State of Orissa so as to bring the regional language teachers continuing outside the State. It is also seen that before effecting such transfer, the Respondents prepared a list of the teachers directing them to appear at the counseling. Thereafter, the present transfer order under Annexure-A/6 has been passed in transferring the Applicant from her place of posting and thereby posting the Respondent No. 5 in the place of the Applicant.

4. Heard Learned Counsel for both sides on the above issue in extenso. It is seen that the applicant has submitted representation ventilating her grievance but according to the Applicant she has received no reply on the same. Interference in the order of transfer by the Tribunal, on the ground as raised in this OA, is no more *res integra*. In view of the above, I am not inclined to even entertain this OA. However, it is stated by the Applicant that the representation filed by the Applicant and forwarded by the Respondent No.4 is still pending and no decision has been taken on the same as yet. Hence, as agreed to by Learned Counsel for both sides, without expressing any opinion on the merit of the matter, this Original Application is

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disposed of at this admission stage with direction to the Respondent No.3 to consider and dispose of the said representation, if not already done, within a period of 30 days hence and communicate the result thereof to the Applicant. Till a decision is taken in the matter, as directed above, if the Applicant has not already been relieved/if the Respondent No.5, on being relieved, has not reported to his duty pursuant to the order of transfer order under Annexure-A/6, the order of transfer under Annexure-A/6 so far as it relates to Applicant and Respondent No.5 shall not be given effect to.

5. Send copies of this order along with OA to the Respondents.


(C.R. Mohapatra)
Member (Admn.)