

OA No.501 of 2009

Braja Sundar Mohapatra Applicant

Versus

UOI & Ors.

.... Respondents

1. Order dated 27th October, 2009.

C O R A M

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

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This matter is being taken up today on being mentioned by Learned Counsel for the Applicant.

2. In this Original Application filed u/s.19 of the Administrative Tribunals Act, 1985 the Applicant, who is continuing as Statistical Investigator, Gr-I (Employee Code 3159), National Sample Survey Organization (Field Operation Division), Cuttack Sub Regional Office, Cuttack challenges the order under Annexure-A/7 dated 23-09-2009 posting Respondent No.6 (Shri S.N.Mohanty) as Statistical Investigator Gr.1 at Cuttack on the apprehension that by his posting, the Applicant whose transfer on promotion was kept in abeyance may be revived; especially because the posting of Respondent No.6 at Cuttack is beyond the sanctioned post of Statistical Investigator Gr.I at Cuttack. The further contention of the Applicant is that the Ministry while issuing revised order of posting on promotion under Annexure-A/3 dated 28.05.2009 has made it clear to the DDG (Admn.), NSSO (FOD), New Delhi to consider the posting of those officers at the same station against future vacancies whose transfer has been kept in abeyance and the applicant's transfer has been kept in

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abeyance on the ground of his mentally retarded son. But by the present posting order of the Respondent No.6 there is every possibility of revival of the order of transfer of the Applicant which will hamper the interest of his retarded son. It is the contention of the Learned Senior Standing Counsel appearing on notice for the Respondents that as on the posting of Respondent No.6 at Cuttack, the transfer order of the applicant has not been revised, he has hardly of any grievance to maintain this OA. By relying and referring to the order under Annexure-A/8 dated 15.10.2009 which was subsequent to the order posting the Respondent No.6 under Annexure-A/7 at Cuttack, the applicant has not been transferred rather in the order it has been shown that the transfer order already kept in abeyance shall continue till further orders. Next contention of the Respondents' counsel is that the applicant has not been transferred and as such, there being no urgency in the matter, he should have taken up the matter before his authorities by filing representation instead of rushing to this Tribunal in the present OA. Accordingly, he has vehemently objected for entertaining this OA. Having considered the submissions made by rival parties, perused the materials placed on record. I find no *prima facie* ground even to entertain this OA; because by the posting of the Respondent No.6, the interest of the applicant has not been hampered in any manner. The applicant has filed this OA only on apprehension and presumption of revival of his order of transfer by the posting of Respondent No.6. This apart, if he has any grievance on the posting of Respondent No.6 he

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should have taken up the matter first before his authorities; especially when no urgency is involved in this case. Respondents being aware that the transfer order of applicant has been kept in abeyance allowing him to continue at Cuttack consciously issued the posting of Respondent No.6 and as such the contention of the applicant that as there is no vacancy at Cuttack is hardly of any help to him.

3. For the discussions made above, I find no justifiable reason to entertain this OA. Hence this OA stands dismissed at the admission stage.


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