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O.A. No. 514 of 2009

Order dated: 04.11.2009

CORAM:

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

This matter is taken up on being mentioned by the Ld. Counsel for the applicant.

2. Heard Mr. S.R.Mishra, Ld. Counsel appearing for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing on notice for the Respondents and perused the materials placed on record.

3. Applicant who is working as Junior Engineer-I (Works) in the Office of the Deputy Chief Engineer (Con.), East Coast Railway, Chandrasekharpur, Bhubaneswar having been transferred to the control of Deputy CE/C/CTC along with others has preferred this Original Application under section 19 of the A.T.Act, 1985 seeking to annul the said order of transfer (Annexure-2) on the grounds set forth in this O.A.

4. Mr. Ojha, Ld. Counsel for the Respondents submits that the work will suffer in case the applicant does not join in the transferred place. He also states that the applicant belongs to construction organization and he is also holding transfer liability belonging to floating cadre.

5. The main contention of the Ld. Counsel for the applicant is that his child is studying in Standard-V and his transfer at mid academic session will hamper the study of the child. His further contention is that on receipt of the order of transfer he represented to his authority under

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Annexure-A/3 seeking to cancel his order of transfer. But he apprehends that before any decision is taken on his representation under Annexure-A/3 he is likely to be relieved.

6. Since this is a matter of transfer and transfer is an incident of service as also the applicant is holding a transferable post, I am not inclined to interfere in the matter. However, it is the specific case of the applicant that his representation is still pending and no decision is taken/communicated thereon to him. In view of the above, this Original Application is disposed of with direction to the Respondents to consider and dispose of the representation of the applicant with a reasoned order on Annexure-A/3 within a period of three weeks. Till then the order of transfer at Annexure-A/2, so far as the applicant is concerned, shall be kept in abeyance. No costs.


MEMBER (A)