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O.A. No. 561 of 2009

Order dated: 01.12.2009

CORAM:

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

This is the forth time the applicant approached this Tribunal against transfer being ordered by the authorities from time to time. However on the three previous occasions, this Tribunal directed the Respondents to consider his representations in which he would narrate his difficulties in departing the present station.

2. This Tribunal had elaborately considered all the grounds for interference in the transfer while disposing of O.A.No. 444/09 as per order dated 17.09.2009. After the said order, the applicant filed a fresh representation, which culminated in present order of transfer of the applicant to Jamga as Booking Clerk changing his transfer from Surakchhar, Korba as per the order dated 23.06.2009. The said order is communicated to the applicant as an answer to the representation filed as directed by this Tribunal as per order dated 17.09.2009.

3. When the matter came up for admission, this Tribunal heard Mr. Achintya Das, Ld. Counsel appearing for the applicant and also Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondents and also considered all the materials placed for consideration and found that the grounds now urged in the O.A. is regarding the study of the child of the applicant and if any transfer is effected in the midst of the academic year, it may affect the educational

career of his child. If so, the question to be considered is that how the transfer is affecting the career of the applicant as well as the educational career of his child.

4. It is admitted before this Tribunal by the Ld. Counsel for the ~~Respondent~~ ^{Respondent} applicant that the present station, namely, Jamga is about more than 150 Kms away from the present station. If he is kept away from the present station, it may affect the study of his child. In the above circumstances, though this Tribunal feels that the present order is on administrative reasons, the matter needs reconsideration by the Respondents on filing a further representation by the applicant regarding the difficulties to be faced by him with regard to the educational career of his child, if his transfer is effected in the midst of the session. It is also directed that such representation shall be filed before the Sr. Divisional Commercial Manager (Respondent No.4) within one week from today and if such representation is filed, the same shall be considered and disposed of within three weeks from the date of receipt of the same.

It is also made clear that till the final decision is taken on the representation being filed by the applicant, the transfer order shall be kept in abeyance.

With the above direction, this O.A. stands disposed of.

Chappu

MEMBER (J)