

ORDER DATED 9.3.2010

1. Applicant, having faced with an order (of transfer) dated 20.2.2010 (asking him to go from the Office of Chief Engineer (Civil)/ Bhubaneswar to work in the Office of Chief Engineer (Elect.)/ Bhubaneswar of Respondent Organization) has approached this Tribunal with the present Original Application filed (on 22.2.2010) under Section 19 of the Administrative Tribunals Act, 1985.
2. When the matter was taken up (on being mentioned by the learned counsel for the Applicant) on 22.2.2010, learned Addl. Standing Counsel Shri S.B.Jena was asked to take instructions.
3. Heard Mr.S.K.Das, learned counsel appearing for the Applicant; Shri S.B.Jena, learned Addl. Standing Counsel for the Government of India, and Shri P.N.Mohapatra, learned counsel for the B.S.N.L. and perused the materials on record. With instructions, it has been informed by Shri S.B.Jena, learned Addl. Standing Counsel from Government of India and Shri P.N.Mohapatra, learned counsel for BSNL, that by the impugned transfer order the Applicant has been asked to go from one office to another office of the same status located within Saheed Nagar area of Bhubaneswar.
4. Transfer from one office to another in the same premises at Saheed Nagar of Bhubaneswar, without affecting the status of the Applicant is

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certainly not an actionable claim; especially when 'transfer' is an incidence of service and 'who should be posted where' is within the discretionary jurisdiction of the authorities in control of the matter. They decide about transfers and postings by keeping in mind the facts and circumstances of each case. Therefore, we are not inclined to adjudicate the stand of the Applicant that, "he being senior to Respondent No.5, should have been allowed by the authorities to continue in the Office of the Chief Engineer (Civil) and ought not to have been transferred and posted in the Office of the Chief Engineer (Elect.)"; on the face of the submission made in the bar that the Applicant has continued in the Office of the Chief Engineer (Civil) for a considerable long time and that the Respondent No.5 is going to superannuate from service (on attaining the age of retirement) shortly. However, we grant liberty to the Applicant to represent <sup>to</sup> his authorities only after joining the new place of posting, for redressal of his grievance, if any.

5. With the above observation this case is disposed of.
6. Send copies of this order to the Applicant and the Respondents (with copies of the Original Application) in the address given in the O.A., by Regd. Post.
7. Free copies of this order be supplied to the Advocates appearing for the parties.

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ADMINISTRATIVE MEMBER

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VICE-CHAIRMAN