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O.A. No. 78/10

ORDER DATED 25<sup>th</sup> FEBRUARY, 2010

Coram:

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

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Himansu Bhusan Sarangi.....Applicant.

Vs.

Union of India & Ors. ....Respondents.

Heard Mr. P.C. Sethi, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing on notice for the Respondents.

2. Mr. Sethi, Ld. Counsel for the applicant submits that the applicant has been transferred from Bhubaneswar to Raigarh as Stenographer Gr.II and no body has been posted in his place as yet. The applicant is also continuing and not yet relieved from the post. He submits that in terms of Paragraph 4 (Vii) of DOP&T circular dated 30.09.2009 he needs to be adjusted in the same station as his wife is working in the Government of Orissa. The said Paragraph 4 (Vii) of DOP&T circular dated 30.09.09 reads as follows:-

“ Where one spouse is employed under the Central Government and the other spouse is employed under the State Government:-

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The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station or if there is no post in that station to the State where the other spouse is posted."

3. He further submits that the post which would be relinquished by him after the transfer, will remain vacant and hence he can be allowed to continue in the present place of posting. In this regard he has already submitted representation dated 29.01.10 (Annexure-A/8) to Respondent No.2 for consideration. No action seems to have been taken so far on this representation.

4. It will be therefore proper at this stage for this Tribunal to direct the Respondent No.2 to consider the case of the applicant keeping in view the provisions of the DOP&T circular cited above within a specific time frame in any case not ~~less~~ <sup>more</sup> than 30 days from the date of issue of this order and communicate the result thereof to the applicant within the above period. Transfer order at Annexure-A/1 shall be kept in abeyance for a period of 30 days from today. Ordered accordingly.

6. In view of the above observations and directions this Original Application is disposed of at the admission stage itself. No costs.

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7. Send copy of this order as well as copy of this  
O.A. to Respondent No.2 for compliance.

*Chhukh*  
**(C.R. MOHAPATRA)**  
**ADMN. MEMBER**

Kalpaswan/C.M.

