

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00034 OF 2015

Cuttack this the 29th day of January, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Ladesh Nayak, -aged about 52 years,
S/o. Late Abidhan Nayak, At-Bottingia, P.O-Mallickapadi,
Dist-Kadhamal, Odisha, At present,
working as Lower Division Clerk, Office of
Dy. Director General (P), Doordarshan Kendra,
Bhubaneswar-751005, Dist-Khurda, Odisha.

...Applicant

(Advocates: Mr. K.C. Kanungo)

VERSUS

Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Information &
Broadcasting, 'A' Wing,
Shastri Bhawan, New Delhi-110001.

Prasar Bharati, India's Public Service Broadcaster,
Represented through

2. Director General,
All India Radio, Akashvani Bhawan,
Parliament Street, New Delhi-110001
3. Director General, Doordarshan,
Mandi House, Copernicus Marg,
Parliament Street, New Delhi-110001
4. Director (Engineering),
All India Radio, Cantonment Road,
At/Po/Dist-Cuttack, Odisha.
5. Dy. Director General (P),
Doordarshan Kendra,
P.O-Sainik School, Bhubaneswar-751005,
Dist-Khurda, Odisha.
6. Shri K.C. Sahoo, Upper Division Clerk (UDC),
Office of Executive Engineer,
Civil Construction Wing, All India Radio,
P.O-Sainik School, Bhubaneswar-751005,
Dist-Khurda, Odisha.
7. Shri D.K. Das, Upper Division Clerk (UDC),
Office of Dy. Director General (P),
Doordarshan Kendra, P.O-Sainik School,
Bhubaneswar-751005, Dist-Khurda, Odisha.

... Respondents

(Advocate: Mr. L. Jena)



ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. K.C. Kanungo, Learned Counsel for the Applicant and Mr. L. Jena, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for the following reliefs:

“(i) To quash Annexure-A/6 for the ends of justice
(ii) To direct the Respondent No.3 to consider to accommodate the Applicant as Upper Division Clerk. (on his promotion) at any office under him or Respondent No.4 at Bhubaneswar for the ends of justice.”

3. The fact of the case is that the applicant, who is a physically challenged (Orthopedically Handicapped) person, assails the order dated 7/8.01.2015 (Annexure-A/1) transferring him on promotion to the post of Upper Division Clerk on the ground of gross violation of guidelines as enumerated under OM dated 31.03.2014 (Annexure-A/2), i.e. in the matter of transfer/transfer on promotion etc. in respect of persons with disabilities who are already employed in Government of India. Mr. Kanungo submitted that being aggrieved by the transfer order dated 7/8.01.2015 (Annexure-A/1) the applicant preferred an exhaustive representation dated 22.01.2015 (Annexure-A/7) and requested for consideration of his posting at Bhubaneswar in the promotional post of UDC on the strength of guideline vide OM dated 31.03.2014 (Annexure-A/2). But till date no response has been received from the Respondents hence the applicant has filed the present O.A. with the prayer as stated above.



By drawing our attention to the representation submitted to Respondent No.2 Mr. Kanungo submitted that a direction be issued to Respondent No.2 to consider the said representation within a specific time frame.

4. Mr. Jena, Ld. Addl. SCGSC appearing for the Respondents, has no immediate instruction, if any such representation has been preferred by the applicant and the status thereof.

5. Since it is the positive case of the applicant that the representation preferred by him is still pending, without entering into the merit of the matter, I dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation vide Annexure-A/7 (if the same has been received and is still pending) and dispose of the same and communicate the result thereof in a well reasoned order to the applicant within a period of 60 days from the date of receipt of copy of this order. However, we make it clear that status quo in respect of the applicant as of date will be maintained and no coercive action will be taken against the applicant till the representation is disposed of and result communicated to the applicant. If in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order. No costs.

6. Copy of this order along with paper books be transmitted to Respondent Nos. 2, 3, 4 & 5 by Speed Post at the cost of the applicant, for which Mr. Kanungo, Ld. Counsel for the applicant, undertakes to file the postal requisites by 30.01.2015. A free copy of the order be given to Mr. L. Jena, Ld. ACGSC appearing for the Respondents by tomorrow.


(A.K.PATNAIK)
MEMBER(J)