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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00418 OF 2015
Cuttack, this the 14th day of July, 2015

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Birendra Kumar Nayak,
Aged about 47 years,
S/o- Late Arjun Nayak
At/PO/Dist-Koraput
Present working as UDC
Naval Armament Depot
At/PO-Sunabeda
Dist-Koraput

...Applicant
By the Advocate(s)-Mr.D.P.Dhalasamant

VERSUS

Union of India represented through

1. The Secretary
Ministry of Defence
South Block, DHQ
New Delhi-110 011
2. Director General of Naval Armament Integrated Headquarters
Ministry of Defence(Navy)
Est Block-V
R.K.Puram
New Delhi-110 011
3. Chief Naval Staff
Integrated Headquarters
Ministry of Defence (Navy)
Sena Bhawan, DHQ
New Delhi-110 011

Ran

4. Flag Officer Commanding-in-Chief
Eastern Naval Command
Naval Base
Vashapattam-530 014

5. General Manager
Naval Armament Depot
At/PO-Sundbeda
Dist-Koraput

By the Advocate(s)-D.K.Mallick

...Applicant

ORDER (Oral)

R.C. MISRA, MEMBER (A):

1. Heard Mr.D.P.Dhalasamant, learned counsel for the applicant and Mr.D.K.Mallick, learned ASCGSC for the Respondents on the question of admission.

2. It is the case of the applicant that he is presently working as an UDC with effect from 15.5.2012 in the Naval Armament Depot, Sunabeda in the District of Koraput, Odisha. Vide office order dated 25.6.2015, he has been transferred in the same capacity to NAD(Goa) against a vacancy which was caused by promotion of one Shri G.L.Gunde to the grade of Superintendent. It has been submitted by the learned counsel that the order of transfer has put the applicant to immense difficulties. His 70 years old mother and also his wife are suffering from several health problems and his children ^{Office} ^R ^{is} ^R also reading in Class-IX and therefore, several difficulties will be experienced by the applicant if he is to join at Goa. His further submission is that he is the only UDC working at Sunabeda and therefore, there was no



Justification for the authorities to transfer him from this station. It is also submitted that the applicant has made a representation dated 8.7.2015 to the Director General, Naval Armament Integrated Headquarters (Res.No.2) in which he has prayed for his retention in the present station at Sunabeda.

3. On the other hand, learned counsel for the respondents has no immediate instruction regarding the disposal of the pending representation.

4. After hearing the learned counsel for both the sides, I am of the view that in the first instance, the authorities need to decide the representation of the applicant which is pending at their levels as per its merits.

5. Therefore, without entering into the merit of the matter, I direct Respondent No.2 to consider and dispose of the representation of the applicant dated 8.7.2015 and communicate the decision taken thereon to the applicant through a reasoned and speaking order within a period of thirty days from the date of receipt of this order. As an interim measure, it is directed that status quo in respect of the applicant shall be maintained till a communication of the decision on the representation is made.

6. With the above direction, the O.A. is disposed of at the stage of admission itself. No costs.



7. On the prayer made by learned counsel for the applicant send copy of this order along with paper book of O.A. to Respondent No. 2 for which Mr.Dhalasamant to file the postal requisites by 15.7.2015.

Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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