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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00447 of 2015

Cuttack, this the 21<sup>st</sup> day of July, 2015

**CORAM**

**HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

**HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

.....

Fakir Mohan Rout,

aged about 46 years,

S/o Late Prahalad Rout,

At present working as Assistant Engineer,

Under Executive Engineer, Bhubaneswar Central Division-III,

CPWD, Nayapalli, Bhubaneswar-12,

Resident of Quarter No. F/2, CPWD Colony,

Unit-4, Bhubaneswar, Dist- Khurda, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S. Sarkar, U.K.Bhatt,

Smt. J. Pradhan, T.K.Choudhury, S.K.Mohanty )

**VERSUS**

Union of India Represented through its

1. Director General,  
Central Public Works Department,  
Nirman Bhawan, New Delhi.
2. Special Director General (ER),  
Central Public Works Department,  
5<sup>th</sup> Floor, 1<sup>st</sup> MSO Building, Nizam Palace,  
234/4, A.J.C. Bose Road, Kolkata-20, West Bengal.
3. Executive Engineer (Co-Ordn.),  
Central Public Works Department,  
5<sup>th</sup> Floor, 1<sup>st</sup> MSO Building, Nizam Palace,  
234/4, A.J.C. Bose Road, Kolkata-20, West Bengal.
4. Executive Engineer,  
Bhubaneswar Central Division-III,  
Central Public Works Department,  
Nayapalli, Bhubaneswar-12, Dist- Khurda.
5. Dibyendu Karjee,  
At present working as Assistant Engineer,  
Under ADG (ER-I), Central Public Works Department,  
1<sup>st</sup> MSO Building, Nizam Palace,  
234/4, A.J.C. Bose Road, Kolkata-20, West Bengal.

... Respondents

(Advocate: Mr. S. Behera )

.....



**ORDER (ORAL)**

**A.K.PATNAIK, MEMBER (JUDL.):**

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. S. Behera, Ld. Sr. Central Govt. Panel Counsel appearing for the Respondents, 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 by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“a. To quash the order of transfer dtd. 17.07.2015 (so far this applicant is concern) under Ann. -A/2;

b. And to direct the Respondents to allow the applicant to continue at Bhubaneswar;

And pass any other order.....”

3. The case of the applicant in nutshell is that he was appointed in the Respondents Department in September, 1991 as a Junior Engineer and was posted at Silchar Central Division, Assam, which is stated to be a hard station. He was transferred from Silchar to Charbatia during July, 1997 and, subsequently, to Puri on 08.06.2012. He was promoted as A.E. and posted under Executive Engineer, Bhubaneswar Central Division-III on 07.05.2013. While the matter stood thus, in violation to the transfer guidelines meant for CPWD employee, vide order dated 17.05.2015 of Respondent No.3, he has been transferred from his present place to posting to GCC-II, Guwahati (Sl. No.38). Putting forth his grievance that he has not completed his tenure posting at Bhubaneswar and also <sup>that</sup> his daughter is studying in Standard X, <sup>he</sup> has made a representation dated 18.07.2015 (Annexure-A/5) to Respondent

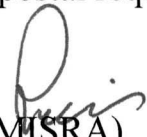


No.2. Mr. Routray, Ld. Counsel for the applicant, submitted that till date no communication has been made to the applicant against his representation.

4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation vide Annexure-A/5, if the same has been preferred by the applicant and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same as per the law and rules in force. It is further made clear that status quo as on date insofar as applicant's continuance is concerned will be maintained till 30.11.2015. If in the meantime the representation has already been disposed of then result thereof be communicated to the applicant within a period of two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of at this admission stage. No costs.

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2, 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 24.07.2015.

  
(R.C.MISRA)  
MEMBER(Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)