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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00585 of 2015
Cuttack this the 4th day of September, 2015

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

Narendra Maharana aged about 44 years S/o Late Shri Murali Maharaqna, permanent resident of Madhabandha, P.S.-T Nuagaon District Ganjam, presently at Water Supply Barrack, Golghar, Sector 5, P.S. Sector 7, Rourkela District Sundargarh, Odisha.

...Applicant

By the Advocate(s)-Mr. D.P.S. Mallick
-VERSUS-

1. Union of India represented through represented by the Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 1.
2. The Deputy Chief Labour Commissioner (C), Kendriya Shram Sadan, N-7/6-7, IRC Village, Bhubaneswar – 15.

...Respondents

By the Advocate(s)-Mr.S.Behera

ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.D.P.S.Mallick, learned counsel for the applicant and Mr.S.Behera, learned SCGPC for the Respondents.

2. Applicant presently working as O.D.C. was earlier posted in the Office of Regional Labour Commissioner(Central) at Rourkela. During his working



at Rourkela, he was served with a show cause notice in contemplation of disciplinary proceedings. After receiving the charge memo, he sought for some time ^{from} ~~to~~ respondents to submit his written statement by making an application on 5.5.2015. On receipt of this representation, respondents immediately transferred him from Rourkela to Titilagarh by an order dated 5.5.2015(A/7) to the Office of Labour Enforcement(Central), ^{Officer Titilagarh.} He was accordingly, relieved and joint ^{ed} at Titilagarh on 6.5.2015. However, thereafter, by an order issued by the Deputy Chief Labour Commissioner(Central) on 31.7.2015, applicant has again been transferred and posted in the office of Assistant Labour Commissioner(Central) at Anugul. The order of transfer indicates that this is made purely on administrative ground.

3. It is the case of the applicant that by his frequent transfers, he and his family are being subjected to harassment. Mr.Mallick submitted that applicant has made a representation to the Deputy Chief Labour Commissioner(Central) (Respondent No.2 on 8.8.2015 vide A/11 of the O.A. wherein he has made a prayer that his further transfer to the Office of Assistant Labour Commissioner(Central), Anugul may be quashed and he may be allowed to continue in his present office at Titilagarh. Mr.Behera



has no immediate instructions regarding the fate of this representation.

However, Mr.Mallick submitted that the applicant has already been relieved from the office of Labour Enforcement(Central) at Titilagarh, but he has not joined at Anugul and is continuing on leave.

4. Since the representation as aforesaid is pending, at this stage, without entering into the merits of the matter, I would direct Respondent No.2 to consider and dispose of the grievance of the applicant as raised in his representation and communicate a decision thereon through a reasoned and speaking order within a period of thirty days from the date of receipt of this order.

5. As an interim measure, it is directed that status quo in respect of the applicant shall be maintained until the decision on the representation is communicated.

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

7. On the prayer made by learned counsel for the applicant, copy of this order along with copy of the paper book be transmitted to Respondent No.2 at the cost of the applicant, for which Mr.Mallick undertakes to deposit the postal requisites during the course of the day.

A handwritten signature in black ink, enclosed in a circle. The signature appears to read "Queen".

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

9. Applicant is at liberty to submit a copy of this order to Respondent No.2 for compliance.

BKS


(R.C.MISRA)
MEMBER(A)