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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.260/00667 of 2015
Cuttack, this the 7th day of October, 2015

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

R. Siva Prasad Rao,
aged about 48 years,
S/o.Late R. Appa Rao,
At present working as S.D.O. (T), LA, BSNL,
Nawarangpur, At/Po-Nawarangpur,
Dist-Koraput.

...Applicant

(Advocate: M/s. D.R. Pattnaik, N. Biswal, N.S. Panda, L. Pattnaik)

VERSUS

Union of India Represented through

1. Secretary, Ministry of Communication,
New Delhi.
2. Chief General Manager (Telecom),
Bharat Sanchar Nigam,
Odisha Circle, BSNL Bhawan,
Bhubaneswar, Dist-Khurda.
3. Assistant General Manager (HR/Admn.) BSNL,
Odisha Circle, BSNL Bhawan,
Bhubaneswar, Dist-Khurda.
4. General Manager Telecom Department,
Koraput, At/Po/Dist-Koraput.
5. Deputy General Manager, O/O-GMTD,
Koraput, At/Po/Dist-Koraput.
6. Bhairab Chandra Pradhan, SDE (PLG),
O/O-CGM, Odisha Circle, Bhubaneswar,
Dist-Khurda.

... Respondents

(Advocate: Mr.P.R.Barik)



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ORDER (Oral)

R.C. MISRA, MEMBER (A)

Heard Mr.D.R.Pattnaik, learned counsel for the applicant and Mr.P.Choudhury on behalf of Mr.P.R.Barik, learned counsel for BSNL. On the prayer made by Mr.Pattnaik, permission is granted to amend the cause title by adding proper authority representing the Union of India.

2. Applicant is presently working as Sub Divisional Officer, Telecom under the administrative control of GMTD, Koraput at Nowrangpur. His grievance is that just on completion of one year of service as SDO Telecom, and before completion of his tenure at Nowrangpur, he has been transferred to Bhubaneswar in complete violation of the transfer guidelines. The order of transfer has been passed on 8.9.2015, copy of which has been annexed to the O.A. at A/4 by the applicant. Hence this Original Application.

3. It has been submitted by Mr.Pattnaik that although applicant does not intend to avoid this order of transfer, but at present he has several family difficulties, because of which his continuance at Nowrangpur is required. Applicant has also made a representation to the CGMT, Orissa Circle (Res.No.2) on 23.9.2015 for cancellation of the order of transfer, copy of which has been annexed to the O.A. at A/6 and it is submitted that this representation is pending at his level.

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4. It is the settled position of law that transfer is an incident in the service career of an employee and the authorities competent are to make transfer in the interest of administration and therefore, any personal difficulties etc. of the applicant should be ventilated to the departmental authorities. The Tribunal, at this stage, would not like to go into the validity or otherwise of the orders of transfer. Therefore, I, without going into the merits of this matter, direct Respondent No.2 to consider and dispose of the representation dated 23.9.2015 and communicate a decision thereon to the applicant through a reasoned and speaking order within a period of one month from the date of receipt of this order. Until the decision on the representation is communicated, status quo as of date in respect of the applicant shall be maintained.

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

On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to Respondent No.2 by speed post at the cost of the applicant, for which Mr.Pattnaik undertakes to file the postal requisites by 8.10.2015. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)