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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00792 OF 2015

Cuttack, this the 19th day of November, 2015

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

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Sri Anil Kumar Panda, aged about 50 years, S/o. Sri Ganga Prasad Panda, permanent resident of Town Hall Road, Berhampur, Dist. Ganjam and presently working as Audit Officer, Office of the Sr. DAG(ES-II), Puri and residing at Type-IV-C1/10, Unit-IV, Old AG Colony, Bhubaneswar.

.....Applicant

(Advocate: M/s. S.K. Ojha, S.K. Nayak)

VERSUS

Union of India Represented through

1. Comptroller and Auditor General of India, Pocket-9, Deen Dayal Upadhyay Marg, New Delhi-110124.
2. Principal Accountant General (G&SSA), AG Square, Bhubaneswar, Dist. Khurda, Odisha, Pin-751001.
3. Dy. Accountant General (Admn.), Office of the Accountant General (G&SSA), AG Square, Bhubaneswar, Dist. Khurda, Pin-751001.
4. Sr. Deputy Accountant General (ES-II), Puri, At/P.O./Dist. Puri.

... Respondents

(Advocate: Mr. S.K. Singh)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. S.K. Ojha, Ld. Counsel appearing for the Applicant and Mr. S.K. Singh, Ld. ACGSC, 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 challenging the order dated 20.04.2015(Annexure-A/5) with a prayer to allow the applicant to retain the quarters with the normal rent till the end of his transfer tenure at Puri. Mr. Ojha submitted that the order of transfer was issued by Respondent No.2 on 23.02.2015 and accordingly, the applicant joined at Puri on 06.04.2015. After joining at Puri applicant made a representation against the order of transfer on 15.04.2015 (Annexure-A/4). While the matter stood thus, Respondent No.3 issued office order dated 20.04.2015 (Annexure-A/5) calling upon the applicant either to vacate the quarters or to pay the higher rent. Immediately thereafter on 21.07.2015 applicant made a representation to Respondent No.2 vide Annexure-A/6 Series for

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reversion to headquarters office from ES-II wing Puri. Having received no response from the Respondents-Department the applicant made another representation on 01.09.2015 with a request for transfer from Puri to Bhubaneswar on the ground of his mother's treatment and children's education at Bhubaneswar. Mr. Ojha submitted that despite the applicant's children are school going and his mother is old and ailing with other difficulties, is strict obedience to the orders of the Departmental authorities he joined at Puri. However, he is not in a position to vacate the quarters. Hence he prayed for some time to keep quarters for his school going children and aged ailing mother.

3. Mr. Ojha, Ld. Counsel submitted that due to non-consideration of the case of the applicant for the aforesaid relief, he submitted a representation dated 21.07.2015, followed by reminder dated 01.09.2015(Annexure-A/6 series) to Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his representations. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since representations submitted by the applicant are stated to be pending, at this stage, without entering into the merit of the matter, I would direct Respondent No.2 to consider the representations dated 21.07.2015, followed by reminder dated 01.09.2015(Annexure-A/6 series) and dispose of the same with a reasoned and speaking order keeping in mind the personal difficulties of the applicant as stated in the representations and communicate the decision to the applicant within a period of two months from the date of receipt of copy of this order. Though I have not expressed any opinion on the merit of the case, I make it clear that all the points raised in the representations will be kept open for the Respondents for consideration as per the extant rules, regulations and law in force. It is however, directed that no cohesive action in respect of vacation of quarters in question will be made till 01.02.2016.

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

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6. On the prayer made by Mr. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 & 3 by Speed Post for which Mr. Ojha undertakes to file the postal requisites by 20.11.2015. Free copy of this order be made over to Mr. S.K. Singh, Ld. ACGSC appearing for the Respondents subject to filing of power.


(A.K.PATNAIK)
MEMBER(J)

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