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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00842 of 2015
Cuttack, this the 24th day of November, 2015

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

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Ajaya Kumar Padhi,
aged about 53 years,
S/o Padma Charana Padhi,
Resident of Vill/PO- Pital,
PS- Aska, Dist- Ganjam,
At present working as Driver Grade-II,
O/o Executive Engineer, Investigation Division,
NWDA, F-24, BJB Nagar, Bhubaneswar-751014,
Dist- Khurda, Odisha.

...Applicant

(Advocates: M/s. K.C.Kanungo, C. Padhi)

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Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Water Resources,
River Development and Ganga Rejuvenation,
Shramashakti Bhawan, New Delhi-66.

National Water Development Agency represented through:

2. Director General,
NWDA, Community Centre,
SAKET, New Delhi- 17.
3. Chief Engineer (North),
NWDA, 193-F, Vishal Khand Gomati Nagar,
Luknow- 226010, U.P.
4. Superintendent Engineer,
Investigation Division, NWDA,
F-24, BJB Nagar, Bhubaneswar-751014,
Dist- Khurda, Odisha.
5. Executive Engineer,
Investigation Division, NWDA,
F-24, BJB Nagar, Bhubaneswar-751014,
Dist- Khurda, Odisha.



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6. Superintending Engineer,
Investigation Division, NWDA,
Walmi Complex, 3rd Floor,
Fulwari Sarif, Patna-801505, Bihar.

7. Shri N.M.Bhutia, Driver Grade-I,
O/o Executive Engineer,
Investigation Division, NWDA,
F-24, BJB Nagar, Bhubaneswar-751014,
Dist- Khurda, Odisha.

... Respondents


(Advocate: Mr. S.B.Jena)

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. K.C.Kanungo, Ld. Counsel for the Applicant, and Mr.S.B.Jena , Ld. Counsel appearing for the Respondent nos.2 to 5 on the question of admission and perused the materials placed on record.

2. Mr.Kanungo submitted that the applicant is working as Driver, Gr.II in the Office of O/o Executive Engineer, Investigation Division, NWDA, Bhubaneswar. His grievance is directed against the order dated 9.11.2015 by virtue of which he has been transferred from Bhubaneswar to Patna.
3. Mr.Kanungo submitted in great detail the personal and family problems faced by the applicant and also pointed out that applicant has already spent about 27 years' service outside Bhubaneswar. At present applicant's father is 86 years old and is suffering from various ailments and applicant's wife is also suffering from health problems. It is the case of the applicant that one N.M.Bhutia (res.no.7) who is working as Driver, Gr.I had served in Bhubaneswar more than 23 years and was transferred from Bhubaneswar to Rajhamundry and again transferred to Bhubaneswar without completing one year at Rajhamundry. In contrast, the case of the applicant has received discriminatory treatment when he has already spent about 27 years outside Bhubaneswar. Mr.Kanungo has also brought to my notice the transfer
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guidelines of the respondent-organization issued in the year 2014, in which it is mentioned that a request for transfer on compassionate ground could be considered on the ground of chronic health problems of the concerned official/employee or his dependents. Drawing a cue from these guidelines, Mr. Kanungo asserted that applicant's case needs to be considered in terms of the guidelines.

4. It has come to my notice that on 17.11.2015 applicant has submitted a representation to the Director General, NWDA, i.e., respondent no.2 wherein he has prayed his case to be considered sympathetically and he may be posted at NWDA, Ranchi, instead of NWDA, Patna on medical and compassionate grounds. This representation is said to be pending with the concerned authorities.

5. I have considered the rival submissions. At this stage, without going into the merit of the matter and having taken into account the materials on record, I would direct respondent no.2 to consider and dispose of the pending representation and communicate a decision thereon through a reasoned and speaking order to the applicant within a period of forty-five days from the date of receipt of this order. Although I have not expressed any opinion on merit, the authorities concerned are directed to take into account each and every aspect as raised in the representation filed by the applicant as well as the transfer guidelines while passing the reasoned order.

6. It is, however, ordered that status quo in respect of the applicant shall be maintained till 15.1.2016.

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

8. On the prayer made by the learned counsel, copy of this order along with copy of paper book be sent to respondent nos.2, 3, 4 and 5 at the cost of the

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applicant for which Mr.Kanungo undertakes to file the postal requisites by
26.11.2015.

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



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

