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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00206 OF 2016
Cuttack, this the 8th day of April, 2016

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

Shri Prabash Chandra Nayak, aged about 56 years, S/o-Late Udaya Narayan Nayak, Plot No. 259/4, Sunrise Colony, Sailashree Vihar, Chandrasekharapur, Bhubaneswar-21, Dist.- Khurda, Odisha, at present working as Senior Branch Manager and Dy. Zonal General Manager, National Small Industries Corporation Limited (a Govt. of India Enterprise), 1st Floor DIC Campus, Rasulgarh Industrial Estate, Bhubaneswar-751010
.....Applicant

By the Advocate(s)-M/s. K.C. Kanungo

-Versus-

Union of India represented through:

1. Chairman-cum-Managing Director, "NSIC Bhawan," Okhla Industrial Estate, New Delhi-110020.
2. Chief General Manger, National Small Industries Corporation Limited (East and Northeast), Industrial Estate, by Lane No. 3, Bamuni Maidan, Guwahati-781021, Assam.
3. Zonal Head, National Small Industries Corporation Limited, 20-B(7th Floor), Abdul Hamid Street, Kolkata-700069, West Bengal.

.....Respondents

By the Advocate(s)-

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. K.C. Kanungo, Ld. Counsel appearing for the applicant. Mr. S. Behera, Ld. SCGPC appearing for the Respondents who is present submitted that he did not feel inclined to allot this matter to any of the ACGSC for the Respondents-rather he submitted that the Court should allot this matter to any of the Counsels, which in my considered view, is not entertainable. Therefore, I reject this submission made by Mr. Behera.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“...to quash Annexure-A/2 (the transfer of the Applicant to Rourkela) for the ends of justice.

And



Be further pleaded to direct the Respondent No.1 to allow for retention of the Applicant at his present place of posting at Bhubaneswar office for the ends of justice.”

3. Mr. Kanungo, brought to my notice the order dated 05.04.2016 (Annexure-A/2) and submitted that this order would show that it is a punitive transfer by which applicant, who is working as Sr. Branch Manager & Dy. Zonal General Manager, Branch Office, BBSR has been transferred to Branch Office, at Rourkela with a direction not to function as Dy. Zonal General Manager. Mr. Kanungo, further submitted that aggrieved by this, applicant has submitted a representation dated 06.04.2016 (Annexure-A/3) to Respondent No.1, wherein he has brought to the notice of the concerned authorities about his 92 years old and ailing mother who is under regular medical checkup & treatment and that his son is studying in Standard 10 is likely to appear final examination in February, 2017. Since he apprehended that at any point of time he may be relieved, therefore without waiting the outcome on his representation, he has filed this O.A. with the prayer as aforesaid.

4. As the applicant has put-forth his grievance vide representation dated 06.04.2016 (Annexure-A/3) immediately after the order of transfer, and since the same is stated to be pending, at this stage, without entering into the merit of the matter, I hereby direct the Respondent No.1 to consider the representation dated 06.04.2016 (Annexure-A/3), keeping in mind the personal difficulties faced by the applicant and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of three months from the date of receipt of copy of this order. I hope and trust, in the event of such consideration if the applicant's grievance is found to be genuine then expeditious steps be taken to redress his grievance. Though I have not expressed any opinion on the merits of the case, I make it clear that all the points raised in the representation will be kept open for the Respondents for their consideration as per the extant rules, regulations and law in force.



5. However, it is made clear that no further action in pursuance of order dated 05.04.2016 (Annexure-A/2) shall be taken till 01.08.2016 and the applicant's continuance in the present post of Sr. Branch Manager & Dy. Zonal General Manager at Bhubaneswar will be maintained till 01.08.2016.

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

7. On the prayer made by Mr. K.C. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1, 2 & 3 by Speed Post for which Mr. Kanungo undertakes to file the postal requisites by today.


(A.K.PATNAIK)
MEMBER(J)

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