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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00291 OF 2016
Cuttack, this the 10th day of May, 2016

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

.....

Sukal Singh Munday
Aged about 52 years
S/O- late Soma Munday
Permanent resident of Vill-Lindra
PO-Khuntagaon
Dist-Sundergarh
Presently working as Asst.Workshop Manager
Ordnance Factory
Badmal
Dist-Bolangir

.....Applicant

By the Advocate(s)-M/s. S.K.Ojha, A.K.Biswal & S.K.Nayak

-Versus-

Union of India, represented through

1. Secretary to Govt. of India
Ministry of Defence,
Defence Headquarters
New Delhi-110011.
2. General Manager
Ordnance Factory
At/PO-Badmal
Dist-Bolangir-767 770
3. Director General
Ordnance Factory Board
10-A
Saheed Khudiram Bose Road
Kolkata-700 001



....Respondents

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

O R D E R (ORAL)

R.C.MISRA, MEMBER (A):

Heard Mr.S.K.Ojha, learned counsel for the applicant and Mr.S.Behera, learned SCGPC on the question of admission and perused the records.

2. In this Original Application under Section 19 of the A.T.Act, 1985, applicant has challenged the order dated 27.4.2016 (A/2) by virtue of which he has been transferred from Ordnance Factory Badmal to Cordite Factory, Aruvenkadu, Tamilnadu. Mr.Ojha submitted that applicant belongs to Scheduled Tribe community and in pursuance of the orders of transfer dated 27.4.2016, another order has been issued by the Works Manager(A) vide A/3 dated 5.5.2016 indicating therein the date of applicant's release as 14.5.2016 with a direction to report at the transferred place on or before 27.5.2016. According to learned counsel, the authorities in violation of the transfer guidelines have issued the transfer orders in view of the fact that the applicant in the present place of posting has spent only 11 months.

3. On the other hand, Mr.Behera contended that this O.A. is not maintainable as after receipt of the orders of transfer dated 27.4.2016, applicant has moved this Tribunal directly without ventilating his grievance before the authorities in the department. To this, Mr.Ojha replied that order of transfer was issued when applicant was on leave and therefore, he could not prefer any such representation. According to him, this being a transfer matter, it was not



4 required on the part of the applicant to ventilate his grievance before approaching the Tribunal.

4. I have considered the rival submissions. Applicant has not produced his posting profile to enable the Tribunal to have a clear understanding about his previous postings including his posting at Badmal. This apart, since the order of transfer was issued on 27.4.2016, there was adequate time for the applicant to submit a representation before the authorities ventilating his grievance. Since applicant has not ventilated his grievance against the order of transfer, at this stage, I would direct him to submit a representation to the concerned authorities within a period of one week and in case any such representation is received, the said authorities shall consider and dispose of the representation in accordance with rules and instructions on the subject and communicate the decision thereon to the applicant within a period of four weeks from the date of receipt of such representation. It is, however, directed that until the decision as aforesaid is communicated, status quo in respect of the applicant as on date shall be maintained.

5. Applicant is at liberty to enclose copy of this order along with the representation to be submitted by him to the authorities concerned.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

7. On the prayer made by the learned counsel copy of this order along with paper book be sent to respondent nos. 2 and 3 at the cost of the applicant for which Mr.Ojha undertakes to file the postal requisites by 11.5.2016.



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


(R.C.MISRA)
MEMBER(A)

BKS

