

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00435 OF 2016
Cuttack, this the 30th day of June, 2016

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

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Rajat Kumar Pradhan, aged about 47 years, S/O Late Udayanath Pradhan, A resident of At-Deulasahi, New Colony, Tulsipur, Cuttack, Permanent resident of At/PO-Bagdia, Dist-Angul-759141, presently serving as Medical Officer, of General Duty Medical Officer, Sub-Cadre, Central Health Service, Posted at MMU Khurda, (Shifted to Bhubaneswar as MMU, Bhubaneswar) under Labour Welfare Organisation, Bhubaneswar region, Bhubaneswar, Dist-Khurda. Transferred to Central Hospital, Joda.

.....Applicant

By the Advocate(s)-M/s. D.K. Panda, G. Sinha, A. Mishra

-Versus-

Union of India, represented through

1. Secretary, Govt. of India, Ministry of Labour & Employment, Jaisalmer House, Mansingh Road, New Delhi-110011.
2. Director General(L.W.) Government of India, Ministry of Labour & Employment, Jaisalmer House, Mansingh Road, New Delhi-110011.
3. Welfare and Cess Commissioner, Govt. of India, Ministry of Labour and Employment, Office of Welfare and Cess Commissioner, Kendriya Shrama Kalyan Sadan, IRC Village, Bhubaneswar-751015.
4. Dr. S.C. Das, Chief Medical Officer(SAG), Central Hospital, Joda, Keonjhar.

.....Respondents

By the Advocate(s)- G.R. Verma

ORDER (ORAL)

R.C.MISRA, MEMBER (A):

Heard Sri A. Mishra, Ld. Counsel appearing for the Applicant and Sri G.R. Verma, 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. Sri Mishra, submitted that the applicant who is presently working as Chief Medical Officer, NFSG, in the Mobile Medical Unit, Bhubaneswar has by an order dated 22.06.2016 been transferred to 50 bedded Central Hospital,



Joda. The transfer order dated 22.06.2016 (Annexure-A/1) reveals that this order was passed by the Welfare & Cess Commissioner, Office of the Welfare & Cess Commissioner, Bhubaneswar in pursuance of the order dated 22.06.2016 of Govt. of India, Ministry of Labour & Employment, New Delhi. Along with this order, he has been relieved on the same date to enable him to report at the new place of posting.

3. Sri Mishra, Ld. Counsel on being asked as to whether applicant has exhausted the departmental remedies, has candidly submitted that the applicant has not made any representation to the Ministry of Labour & Employment who has issued the order of transfer in this case. Therefore, the departmental remedies not being exhausted, the Tribunal would not be competent to go into the merit of this matter. The applicant must ~~have~~^{and} filed a proper representation against this order of transfer before the authorities, for consideration. Therefore, without going into the merit of this case, the O.A. is disposed of at the stage of admission by giving a direction to the applicant to make a representation to Respondent No.1, i.e., Secretary, Ministry of Labour & Employment, New Delhi within a period of one week from today, ^{and} if ^R any such representation is received within the stipulated time, Respondent No.1 shall consider the same and pass a reasoned and speaking order under intimation to the applicant within two weeks' from the date of receipt of such representation.

4. Sri Mishra has further prayed that an interim relief may be granted to not to relieve the applicant from Bhubaneswar. Since by order dated 22.06.2016, the applicant has already been relieved, there is no scope for the Tribunal to pass any interim order in this regard. However, it is made clear that



no coercive action shall be taken by the Respondents authority against the applicant in the course of the consideration of his grievance on his representation.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Sri Mishra, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1, and 3 by Speed Post for which he undertakes to file the postal requisites by 01.07.2016.

7. Free copy of this order be made over to Ld. Counsel for both sides in course of the day.


(R.C.MISRA)
MEMBER(A)