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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.456 of 2016
Cuttack this the 12th day of July, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER(J)

Sri Antaryami Sethi, aged about 53 years, Son of late Narayan Sethi, permanent resident of Vill/PO-Mahukhanda, PS-Balipatna, Dist-Khurda, presently working as MTS(Multi Tasking Staff), in the office of the Asst.Engineer (Elect), All India Radio, Civil Construction Wing, PO-Sainik School, Bhubaneswar-751 005

...Applicant

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

-VERSUS-

Union of India represented through:

1. The Director General
All India Radio
Akashwani Bhawan
Parliament Street
New Delhi-110 001
2. The Chief Engineer
Civil Construction Wing
All India Radio
1st Floor, Soochna Bhawan
CGO Complex
Lodhi Road
New Delhi-110 003
3. The Superintending Engineer(Elect)
Civil Construction Wing



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All India Radio, 18/3, Uday Sankar Sarani
Doordarshan Bhawan
Golf Green,
Kolkata-700 095

4. The Asst. Engineer(Elect), Civil Construction Wing
All India Radio, PO-Sainik School
Bhubaneswar-751 005
5. Sri Kameswar chowdhury, presently working as Asst. Engineer
(Elect), Asst.Engineer, Civil Construction Wing, All India Radio,
PO-Sainik School, Bhubaneswar-751 005
6. Smt.Rajkumari Pradhan, presently working as MTS
Civil Construction Wing, All India Radio
Siliguri, West Bengal

...Respondents

By the Advocate(s)-Mr.M.R.Mohanty

ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.S.K.Ojha, learned counsel for the applicant and Mr.M.R.Mohanty, learned ACGSC for the respondents on the question of admission and perused the records.

2. Applicant is presently working as MTS in the office of Asst.Engineer(Elect), All India Radio, Bhubaneswar (Res.no.4) under Kolkata Division. He has approached this Tribunal being aggrieved by the order dated 4.7.2016(A/7) by virtue of which he has been transferred and posted to Siliguri Sub Division under Patna Division vice Smt.Rajkumari Pradhan (res.no.6). It is the case of the applicant that this order of transfer has been



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passed as a punitive measure. Besides, the said order is de hors the rules and instructions governing transfer.

3. We have heard the learned counsel for both the sides. It is noticed applicant soon after receipt of the order of transfer has rushed to the Tribunal without, however, ventilating his grievance before the concerned authorities. Therefore, it cannot be said that applicant before approaching the Tribunal has availed of the departmental remedies available to him under the relevant service rules. On being pointed out, learned counsel submitted that applicant may be granted liberty to file a representation to the competent authorities and in such eventuality, a direction may be issued to consider and dispose of the same. In consideration of the submissions made by the parties, applicant is granted ²to liberty to make a representation within one week from to-day and in case any such representation is received, respondent no.2 shall consider and dispose of the same in the light of the extant rules and instructions and communicate the decision thereon to the applicant in a well-reasoned order within a period of four weeks from the date of receipt of such representation.

4. It is also directed that until a decision on the representation is communicated, status quo in respect of the applicant as on date shall be maintained.

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

6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.no.2 by Speed Post at the cost of the applicant for which Mr.S.K.Ojha undertakes to file the postal requisites by 13.7.2016.

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

S.K. Pattnik
12/7/16
(S.K.PATtnik)
MEMBER(J)

R.C. Misra
(R.C.MISRA)
MEMBER(A)

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