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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00515 OF 2016
Cuttack, this the 29th day of July, 2016

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

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Bibhuti Bhusan Das,
aged about 54 years,
S/o Ananta Charan Das,
At present working as Assistant,
Kendriya Vidyalaya Sangathan, Regional Office,
Bhubaneswar, Dist- Khurda, Odisha.
Resident of Plot No.9, Road No.6, Jagannath Nagar, Rasulgarh,
Bhubaneswar, Dist- Khurda, Odisha, PIN-751017.

.....Applicant

By the Advocate(s)-M/s N.R.Routray, S.Sarkar, U.K.Bhatt, Smt. J. Pradhan,
T.K.Choudhury, S.K.Mohanty

-Versus-

Union of India, represented through

1. Commissioner of Kendriya Vidyalaya Sangathan,
New Delhi, 18th Institutional Area,
Sahid Jeet Singh Marg, New Delhi-110016.

2. Additional Commissioner (Admn.)/Establishment,
Kendriya Vidyalaya Sangathan (Head Quarter),
New Delhi, 18th Institutional Area,
Sahid Jeet Singh Marg, New Delhi-110016.

3. Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Pragati Vihar Colony,
Mancheswar, Bhubaneswar-751017.

4. Shri Hemant Kumar Nayak,
Assistant, Kendriya Vidyalaya,
Meghahatuburu, Jharkhand.

.....Respondents

By the Advocate(s)- Mr. H.K.Tripathy

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ORDER(Oral)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N.R.Routray, Ld. Counsel appearing for the applicant, and Mr. H.K.Tripathy, Ld. Counsel appearing for the Respondents-KVS, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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

“(i) To quash the order of displacement dtd. 26.07.2016 so far this applicant is concern under Ann.-A/2:

(ii) And to direct the Respondents to allow the applicant to continue at KVS, RO, Bhubaneswar.

And pass any other order.....”

3. The case of the applicant is that he had initially joined as UDC in the year 1986 and, subsequently, after getting promotion he is now working as Assistant at KVS, Regional Office, Bhubaneswar. His grievance is that although KVS issued the transfer guidelines under Annexure-A/1 and there is a noting at Paragraph-5 that the said provision has been kept in abeyance due to stay order granted by the Hon'ble CAT, Ernakulam Bench, the authorities vide Annexure-A/2 dated 26.07.2016 have issued the order of displacement and posted the applicant in KV, Balasore. Mr. Routray, Ld. Counsel for the applicant, submitted that against the order of transfer, the applicant preferred a representation to Respondent No.2 on 27.07.2016, which has been forwarded to Respondent No.2 by Respondent No.3 on the very said date, but till date nothing has been communicated to the applicant.

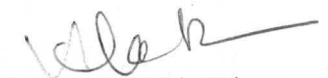


4. Since the representation, stated to has been preferred by the applicant on 27.07.2016 and is pending, without entering into the merit of the matter, I dispose of this O.A at the stage of admission itself by directing Respondent No.2 to consider the said representation, if the same is still pending, as per the extant Rules and Regulations and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of three months from the date of receipt of this order. I make it clear that the status quo as on date so far as the continuance of the applicant in his present place of posting is concerned will be maintained till 01.12.2016. There shall be no order as to costs.

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

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 3 by Speed Post for which he undertakes to file the postal requisites by 01.08.2016.

7. Free copies of this order be given to Mr. Tripathy, Ld. Counsel for the KVS.


(A.K.PATNAIK)
MEMBER(J)