

Y

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. No. 260/00551 OF 2016  
Cuttack, this the 11<sup>th</sup> August, 2016

CORAM  
**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R.C. MISRA, MEMBER(A)**

.....

Pradeep Kumar Mishra, aged about 50 years, S/o. Laxmi Kant Mishra at present working as Regional Provident Fund Commissioner, Grade-1, Odisha, Janapath, Unit-11, Bhubaneswar-751022, Dist-Khurda, Odisha.

.....Applicant

By the Advocate(s)-M/s. S.K. Rath, S.K. Nayak, M. Behera

-Versus-

**Union of India, represented through**

1. Secretary, Labour & Employment Department Shrama Shakti, New Delhi.
2. The Central Provident Fund Commissioner, At-14, Bikaji Kama Place, New Delhi.
3. Sh. Sanjay Mishra, Regional Provident Fund Commissioner-I At-Zone Training Institute, Kolkata, West Bengal.

.....Respondents

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

**ORDER(Oral)**

**A.K.PATNAIK, MEMBER (J):**

Heard Mr. S.K. Rath, Ld. Counsel appearing for the Applicant and Mr. S.S. Mohanty, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This OA has been filed under Section 19 of the AT Act, 1985 with the following prayers:

“(i) This Hon’ble Tribunal may be pleased to quash the order No.11937 dated 08.08.2016 vide Annexure-A/2.

(ii) And further may be please to allow the applicant at Bhubaneswar as Regional Provident Fund Commissioner-I till end of February, 2017 or for a period of three months.

(iii) Any other appropriate order/orders may kindly be passed which would be deemed fit and proper in the facts and circumstances of the case, in the ends of justice be passed.”



3. The applicant assails the order of transfer dated 08.08.2016 (Annexure-A/2) so far as the applicant is concerned as the order of transfer has been passed by the Respondent No. 2 in the midst of academic session and with oblique motive as the applicant has made representation for promotion to the post of Additional Central Provident Fund Commissioner-II, as per the recommendation of the D.P.C.

4. The factual matrix of the case is that the applicant was appointed as Asst. Provident Fund Commissioner and posted at Mumbai in the year, 1994. Thereafter on 03.02.2001 he was promoted and posted at Rourkela as Regional Provident Fund Commissioner-II. On 30.12.2009 the applicant was again promoted and posted as Regional Provident Fund Commissioner-I, at Jalpaigudi. In the same capacity the applicant <sup>was</sup> posted at Bhubaneswar on 01.05.2015. Thereafter, the applicant submitted representation dated 15.07.2016 (Annexure-A/1) to the Respondent No.1 for promotion to Asst. Central Provident Fund Commissioner-I. The Respondents-Department vide order dated 08.08.2016 (Annexure-A/2) has issued the transfer order of the applicant on administrative ground. Thereafter, ventilating his grievance the applicant has submitted representation dated 09.08.2016 (Annexure-A/3) before the Respondent No.2 to cancel the order of transfer so far <sup>as</sup> the applicant is concerned and since no communication has been received so far, he has moved this Tribunal in this present O.A. with the aforesaid prayers.

5. Since a representation submitted by the applicant is stated to be pending with Respondent No.2, we do not think it proper to admit this matter and invite a counter. We therefore, dispose of this O.A with a direction to Respondent No.2 to consider the representation of the applicant vide Annexure-A/3, if the same is filed and pending consideration,

Wd

taking into account the mid academic session as the applicant's children are studying in Class-X and Class-XII and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Though we have not expressed any opinion on the merit of the matter, all the points raised in the representation are kept open for the authorities to consider as per Rules. **We make it clear that the applicant will continue in his present place of posting till 01.12.2016.** However, it is made clear that if in the meantime, the said representation has already been disposed of, then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

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. S.K. Rath, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post for which he undertakes to file the postal requisites by 22.08.2016.

  
(R.C.MISRA)  
MEMBER (A)

  
(A.K.PATNAIK)  
MEMBER(J)