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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 593 OF 2016
Cuttack this the 30th day of August, 2016

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

Judhishthira Behera aged about 48 years S/o Late Shri Birabara Behera at present working as Assistant Director, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Government of India, Bhubaneswar, Dist. Khurda.

...Applicant

By the Advocate: Shri P.K. Mishra
-VERSUS-

- 1- Union of India represented through Secretary Home Affairs, New Delhi.
- 2- The Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, North Block, Central Secretariat, New Delhi.
- 3- Joint Director, Establishment, Intelligence Bureau Headquarters, 35, S.P. Marg, New Delhi.
- 4- Joint Director, Subsidiary Intelligence Bureau (MHA), Government of India, Bidyut Marg, Unit V, Bhubaneswar, District Khurda.

...Respondents

By the Advocate(s)- Mr. P.K. Mohanty

ORDER (ORAL)

R.C.MISRA

Heard Shri P.K. Mishra, learned counsel for applicant and Shri P.K. Mohanty, learned ACGSC, appearing for the respondents and he undertakes to file Memo of Appearance in this case before the Registry during the course of the day.

2. The learned counsel for applicant has submitted that applicant joined as Assistant Central Intelligence Officer Grade-II under the Joint Director, Subsidiary Intelligence Bureau (SIB), Ministry of Home Affairs (MHA), Government of India (Respondent No.4). The grievance of the applicant is that he has been served with an order of transfer dated 08.03.2016 (Annex.A/1) by which he has been transferred to SIB, Vijaywada with immediate effect. The applicant had a personal family difficulty as his son is pursuing his studies in Class XII and therefore, he made a representation to the respondent

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No. 2 i.e. Joint Director/E, IB Headquarters, New Delhi to allow him at SIB, Bhubaneswar, this representation was forwarded through the respondent No. 4 i.e. the Joint Director, SIB, Bhubaneswar. While the representation was pending, the applicant received a Notice from the Joint Director, SIB, Kolkata, who is said to be the In-charge of the office of respondent No. 4, intimating him that he will stand relieved from the post at Bhubaneswar in the afternoon of 31st August, 2016 to report to the Joint Director, SIB, Vijaywada after availing admissible joining time. The applicant has been aggrieved by this notice despite the fact that his representation for retaining him at Bhubaneswar till the end of educational session i.e. April, 2017 is still pending and has not been disposed of by respondent No. 2 and he has not received any communication in this regard. The learned counsel submits that his grievance may be considered sympathetically considering the currency of education session of his child. The learned counsel for applicant has further emphasized that the said representation is not with regard to cancellation of the transfer order but, it was only for his retention at the present place of posting for a limited period.

3. After hearing the learned counsel for both sides, I deem it fit to dispose of this O.A. at the admission stage with a direction to respondent No. 2 i.e. Director, Intelligence Bureau, MHA, New Delhi, to dispose of the representation of the applicant dated 21st June, 2016 (Annex.A/4) in which a prayer has been made for his retention at Bhubaneswar until April 2017. The respondent No. 2 shall consider the same within a period 30 days from the date of receipt of this order and communicate the decision by a well reasoned and speaking order to the applicant. It is also directed that until respondent No. 2 takes an appropriate decision in the matter and communicate the same to applicant, the applicant shall be allowed to continue at his present place of posting i.e. at SIB, Bhubaneswar.

(S. D.)

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4. With the above direction, the O.A. is disposed with no order as to costs.

5. A copy of this order along with paper book be sent to respondents No. 2 [REDACTED] [REDACTED] and 4 at the cost of the applicant for which, learned counsel for applicant undertakes to submit postal requisites by tomorrow. A free copy of this order be given to learned counsel for both sides.


(R.C.MISRA)
MEMBER(A)

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