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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00678 OF 2016
Cuttack, this the 27th day of September, 2016

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

Bishwambar Panda, aged about 53 years S/o. Bidyut Kumar Panda, At/P.O. Bijmara, P.S. Jaipatna, Dist. Kalahandi. At present working as Assistant Director, Subsidiary Intelligence Bureau, Sambalpur, Odisha.
.....Applicant

By the Advocate(s)- M/s. D. Mund, R.K. Acharya, S.N. Padhee, P.K. Behera.

-Versus-

Union of India, represented through

1. Ministry of Home Affairs, represented by the Director, Intelligence Bureau(MHA), North Block, Gate No.7, New Delhi-01.
2. The Joint Director, Intelligence Bureau, 35-Sardar Patel Marg, New Delhi-21.
3. The Joint Director, Subsidiary Intelligence Bureau(MHA), Govt. of India, Vidyut Marg, Bhubaneswar.

.....Respondents

By the Advocate(s)- Mr. C.M. Singh

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. D. Mund, Ld. Counsel appearing for the applicant and Mr. C.M. Singh, 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. Mr. Mund submitted that the applicant at present working as Assistant Director, Subsidiary Intelligence Bureau (SIB), Sambalpur, Odisha. He has approached this Tribunal challenging the order of transfer dated 22.07.2016 (Annexure-A/1) passed by the Joint Director, Intelligence Bureau, New Delhi (Respondent No.2) transferring him from his present station to SIB, Guwahati.

Mr. Mund further submitted that the applicant has already served two border tenures for more than seven years at SIB Agartala and SIB Guwahati which includes remote part of the North Eastern Region. Mr. Mund submitted that by the present transfer order he has been again sent to such remote and hard areas

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when he has already served in that area for more than seven years. The applicant made a representation dated 02.08.2016 to Respondent No.2 ventilating his grievance arising out of the transfer order. He mention that his daughter, studying in Class-XII at Kendriya Vidyalaya, Sambalpur and the Board Examination will be held in the month of March, 2017. The applicant also mention⁸ the health problems of the family members. On receiving the representation, the Respondent No.3 vide letter dated 05.08.2016 requested the applicant to submit a certificate to the effect that the applicant's daughter is studying in Class-XII at Kendriya Vidyalaya, Sambalpur. The applicant has also submitted certificates as desired. This correspondence give rise to the hope of the applicant's that his case will be considered but he received an order dated 16.08.2016 in which it was directed that the applicant will be relieved of his duties from the present place of posting from the afternoon of 30.09.2016 with a direction to report for duty to the Joint Director, SIB Guwahati after availing admissible joining time. Thereafter, the applicant has made a representation dated 19.09.2016 to Respondent No.1 making a prayer that his place of posting may be changed to SIB, Raipur so that he can attend his family problems.

3. Taking into account the submissions of Ld. Counsel for both the sides, since the representation is said to be pending at the level of Respondent No.1 we do not feel inclined to issue notice in this matter. In view of this, at the stage of admission, without expressing any opinion on the merit of the matter, we dispose of this O.A. by directing Respondent No.1 to consider and dispose of the representation dated 19.09.2016 in accordance with the rules and instructions if it has been received and is still pending at his level with a reasoned and speaking order and communicate the decision thereon to the applicant within a period of two weeks from the date of receipt of this order.

4. It is also directed that until the reasoned order in this regard is communicated no effect will be given to the orders of transfer and relief in respect of the applicant dated 22.07.2016 and 16.08.2016.

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

6. On the prayer made by Mr. D. Mund, Ld. Counsel appearing for the applicant copy of this order along with paper book of O.A. be sent to Respondent No.1 at the cost of the applicant for which Mr. Mund, undertakes to file the postal requisites by 29.09.2016.

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


(S.K.PATTNAIK)
MEMBER (J)


(R.C.MISRA)
MEMBER(A)