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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 279 of 2012

Atish Ku. Behera .... Applicant  
-Versus-  
Union of India & Ors. .... Respondents

1. ORDER DATED – 10<sup>th</sup> August, 2012.

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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The Applicant is an Odisha cadre Indian Forest Service Officer. He was working as Divisional Forest Officer, Rourkela Forest Division. While working as such, vide Notification under Annexure-A/1 dated 02-04-2012 [Memo No.5819/F&E] he was posted as DFO, Phulbani (KL) Division vice Shri P.K.Mohapatra, OFS Gp.A, Dy.CF transferred. In the same Notification vide Memo No.5822/F&E Shri Bhagaban Pati, OFS Gp. A who was continuing as DFO Jharguda (KL) Division was transferred and posted in place of the Applicant and Shri Nalini Kanta Rout, IFS who was continuing as DFO, Anugul (KL) Division was transferred and posted in place of Shri Bhagaban Pati.


Being aggrieved with the said order of transfer, the Applicant approached this Tribunal in the instant OA with prayer to quash the Notification under Annexure-A/1 and to direct the Respondent No.2 to follow the rules and regulation while ordering transfer of the applicant.

Respondents filed their counter objecting to the prayer of the Applicant and have prayed that this OA being devoid of any merit is liable to be dismissed.

It has been brought to the notice of this Tribunal through MA No.317 of 2012 filed by the applicant on 8<sup>th</sup> August, 2012 that the applicant has meantime joined in his new place of posting at Phulbani. Respondent No.4 who has been posted at Rourkela in Annexure-A/1 is going to retire on reaching the age of superannuation w.e.f. 31<sup>st</sup> August, 2012. Praying for posting at the place of Respondent No.4, after 31<sup>st</sup> August, 2012, the applicant made a representation on 23.06.2012 which is pending. Hence by filing a Memo Learned Counsel for the Applicant prays disposal of this Original Application with direction to the Respondents to consider and dispose of the pending representation of the applicant.

In view of the Memo filed by the Applicant today in Court and there being no objection from the other side on the request of the Applicant, without expressing any opinion on the merit of the matter this OA is disposed of with direction to the Respondent No.3 to consider the pending representation dated 23.06.2012 of the applicant and communicate its decision in a reasoned order preferably by 31-08-2012. No costs.

  
(A.K. Patnaik)  
Member (Judl.)

  
(C.R. Mohapatra)  
Member (Admn.)