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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.811 of 2012
Cuttack this the 22nd day of November, 2012

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

Smt. Sumitra Panda,
aged about 33 years,
D/o.Sukadev Panda,
Working as Senior TC/CTC,
Residing at Srikunj Apartment,
Khannagar,
PS-Madhupatna,
Town/Dit. Cuttack.

...Applicants

By the Advocates: M/s.D.R.Patnaik,
M.R.Baug,
S.Rath

-Versus-

Union of India represented through

1. The General Manager,
East Coast Railway,
Odisha,
Bhubaneswar,
At-Chandrasekharpur,
Bhubaneswar,
PS-Chandrasekharpur,
Dist. Khurda.

2. General Manager,
East Coast Railway,
Odisha,
Bhubaneswar
At-Chandrasekharpur,
Bhubaneswar,
PS-Chandrasekharpur,
Dist. Khurda.

3. Senior Divisional Personnel Officer,
Khurda Road,
East Coast Railway,

V.K.L

At/Po.Khurda Road,
Dist. Khurda.

4. Chief Personnel Officer,
East Coast Railway,
Bhubaneswar,
At-Chandrasekharpur,
Bhubaneswar,
PS-Chandrasekharpur,
Dist. Khurda.
5. Assistant Personnel Officer-I,
East Coast Railway,
Khurda Road,
At/Po.Khurda,
Dist. Khurda.

.... Respondents

By the Advocates: Mr.T.Rath

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL):

The Applicant (Smt.Sumitra Panda) being aggrieved by the order dated 26-08-2011 (Annexure-A/1) in which she was transferred from Cuttack to Bhubaneswar and the order dated 20.10.2012 (Annexure-A/8) in which she was spared from her present post/posting to join at Bhubaneswar, has filed the instant OA seeking to quash both the aforesaid orders on various grounds mentioned in the OA. Copy of this OA has also been served on Mr.T.Rath, Learned Standing Counsel for the Railway.

2. Heard Mr.D.R.Patnaik, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel for the Respondent-Railway and perused the records. According to Mr.Rath, Learned Standing Counsel appearing for the Respondent-

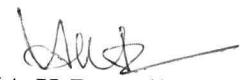


Railway since the transfer of the Applicant is from Cuttack to Bhubaneswar and this OA has been filed without availing of the opportunity of making representation, this OA is not maintainable and is liable to be dismissed. Mr. Rath, Learned Standing Counsel appearing for the Respondent-Department has submitted that according to his instruction the applicant has already been spared. This was controverted by Mr. Patnaik, Learned Counsel for the Applicant. Mr. Patnaik's contention is that since the transfer is de hors the rules and during the midst of the current academic session the same is not sustainable. Further contention of Mr. Patnaik, Learned Counsel for the Applicant is that in view of the urgency the applicant has approached this Tribunal in the instant OA. However, it was submitted by Learned Counsel for the Applicant that meantime the applicant submitted representation seeking cancellation of the order of transfer but the same was turned down by the authority. But copy of the representation nor order of rejection has been enclosed to this OA.

3. In view of the above, without expressing any opinion of the matter, as prayed for by the Learned Counsel for the Applicant, this Original Application is disposed of at this admission stage with liberty to the applicant to make a detailed representation (enclosing thereto a copy of this order) ventilating her grievance before the appropriate competent authority within a period of 10 days hence and



on receipt of such representation the concerned authority shall consider and dispose of the same by way of reasoned/order speaking order within a period of thirty days from the date of receipt of the representation and communicate the decision to the applicant within a period of seven days thereafter. **Till such consideration/communication of the order on the representation, status quo, in so far as relieve of the applicant from Cuttack, as on date, shall be maintained.** There shall be no order as to costs.



(A.K. Patnaik)
Member (Judicial)