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CUTTACK BENCH, CUTTACK

O.A.No. 303 of 2013
Cuttack this the 16th day of May, 2013

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

Manoj Kumar Mishra, aged about 47 years, S/o. Surya Narayan Mishra, At-Shanti Nagar, Goilundi, PS-Baidyanathpur, Berhampur, Dist-Ganjam at present working as SSE(Tele) Project, Bhubaneswar

...Applicant

By the Advocate(s)-Mr.G.C.Swain

-VERSUS-

1. Union of India represented through its General Manager, East Coast Railway, Rail Sadan, Samanta Vihar, PO-Mancheswar, Bhubaneswar, Dist-Khurda
2. Chief Personnel Officer, East Coast Railway, Rail Sadan, Samanta Vihar, PO-Mancheswar, Bhubaneswar, Dist-Khurda
3. Chief Signal & Telecom Engineer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda
4. Chief Administrative Officer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda

...Respondents

By the Advocate(s)-Mr.T.Rath

ORDER

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

Heard Shri G.C.Swain, learned counsel for the applicant.

2. This Original Application has been filed by the applicant challenging the order dated 18.3.2013(Annexure-A/6) issued by the Assistant Personnel Officer, East Coast Railways, transferring him from Bhubaneswar to Sambalpur.

2. It is the case of the applicant that he has been transferred because he has been representing for granting officiating pay to the authorities.

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3. However, transfer is an incidence of Government service. As per the pleadings of the learned counsel for the applicant, applicant has completed four years of his stay at Bhubaneswar and it would be considered that he has completed his normal tenure of service in a particular station. However, the learned counsel for the applicant has presented some personal difficulties for which he has prayed that the applicant should be allowed to continue at Bhubaneswar.
4. It is seen that the applicant has not exhausted the departmental remedies in this matter since has not made any representation ventilating his grievances to any of the higher authorities to consider his prayer and has directly approached the Tribunal for relief. It is one of the basic principles in such matters that the persons aggrieved for redressal of their grievances must at first approach the concerned higher authorities and if they do not obtain any relief at that level, thereafter, only they should approach the Tribunal for relief.
5. Considered all these matters. The prayer as made in the O.A. is dismissed. However, applicant is free to make a representation before the concerned authorities within a week's time and the authorities on receipt of such representation made, shall consider his difficulties and pass ^{an} appropriate orders within a period of three months.
6. With regard to prayer of the applicant for maintaining status quo, Shri T.Rath, learned Standing Counsel for the Railways submitted that one Shri B.S.R.Murty has been posted in place of the applicant and he is not aware of the present ^{stage} of the relief and joining of the applicant as well as Shri V.S.R.Murty. However, status quo as on
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date in respect of the applicant may not be disturbed till the representation is disposed of by the concerned authorities.

7. Send copies of this order along with copies of the paper book to Respondents at the cost of the applicant for which the postal requisites be deposited by 17.5.2013. Free copies of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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