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CUTTACK BENCH, CUTTACK

O.A.No. 305 of 2013

Cuttack this the 16th day of May, 2013

CORAM

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

Jitendra Prasad Singh, aged about 55 years, Son of Sugunu Singh, working as Regional Chief Conservator of Forest, Sambalpur Circle, Sambalpur

...Applicant

By Advocate(s)-M/s..A.K.Mishra

G.N.Mishra

A.K.Saa

G.R.Sethy

-VERSUS-

1. Union of India represented by its Secretary, Department of Environment and Forest, Paryavaran Bhawan CGO Complex, Lodi Road, New Delhi
2. State of Orissa represented by its Principal Secretary, Department of Forest and Environment, Secretariat Building, At/PO-Bhubaneswar, District-Khurda
3. Principal Chief Conservator of Forest, Orissa, Aranya Bhawan,Chandrasekharpur, At/PO-Bhubaneswar, Dist-Khurda
4. Mahanadi Coal Fields Ltd., represented through its Managing Director, At/PO-PS-Burla, Dist-Sambalpur
5. Mr.Sandip Tripathy, I.F.S., C/o. Principal Secretary, Department of Forest and Environment, Govt. of Orissa, Bhubaneswar, Dist-Khurda
6. Mr.P.R.Singh, I.F.S., C/o. Principal Secretary, Department of Forest and Environment, Govt. of Orissa, Bhubaneswar, Dist-Khurda

...Respondents

By the Advocate(s)-Mr.G.C.Nayak
Mr.M.K.Das



ORDER

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

Heard Shri A.K.Mishra, learned Senior Counsel for the applicant.

2. This Original Application has been filed by the applicant challenging the order of transfer dated 14.5.2013(Annexure-A/4) transferring him from the position of Regional Chief Conservator of Forest (in short RCCF), Sambalpur Forest Circle as Chief Conservator of Forest(in short CCF), to Mahanadi Coal Fields, Burla.

3. The learned Senior Counsel for the applicant pleaded that though the present applicant had joined as RCCF, Sambalpur on 20.3.2013 as per Annexure-A/2, he has been disturbed within a period of two months vide Annexure-A/4 to the position of CCF, Mahanadi Coal Field, Burla, which is not even equivalent to the position of ~~RCCF~~ as per the decision of this Tribunal in O.A.No.255/2000 decided on 23.5.2001. His other point is that the post of CCF, Mahanadi Coal Field Headquarters, Burla is not a cadre post and therefore, the applicant is not liable to transfer against a non- cadre post.

4. On the other hand, Shri G.C.Nayak, learned Government Advocate for the State of Orissa pleaded that according to circular No.19538-9/91-Gen. dated 29.7.1991 issued by the General Administration Department, Government of Orissa, all the officers should ordinarily to be transferred after completion of three years in a



station, but nothing would prevent the transferring authorities from transferring an officer before three years at any time when it is considered necessary in the public interest. Therefore, the competent authorities are justified in making this transfer in public interest. Shri G.C.Nayak further submitted that the provision as mentioned in Paragraph-4 of Orissa Service Code is not applicable to the case of the applicant.

5. However, I find that the applicant on 14.5.2013 has made a representation to the Principal Secretary to Government of Orissa in the Forest & Environment Department (Res.No.2) vide Annexure-A/5 for his continuation as Regional Chief Conservator of Forest, Sambalpur and also for the cancellation of his transfer as CCF, MCL, Burla.

6. Since the representation has just been made two days back, I hope this will receive considered attention of the authorities. Therefore, I dispose of this Original Application with direction to Respondent No.2, i.e., Principal Secretary to Government of Orissa in the Forest & Environment Department, to consider this representation expeditiously and also give a personal hearing to the applicant and listen ^{to} _{his} grievances before disposing of the representation. It is directed that before the representation is disposed of the applicant may not be relieved from his present place of posting.

7. At this stage, Shri G.C.Nayak, learned Govt. Advocate representing the State of Orissa, submitted that he is not aware of the present position of the relief of the applicant. However,



considering the grievance of the applicant, it is reiterated that he should not be relieved from his present place of posting and shall be allowed to continue in the present station till his representation is disposed of by the authority after ^{listening to} ~~listing~~ him personally.

8. Shri M.K.Das, learned Addl.Central Government appearing on behalf of Respondent No.1 is present and heard.

9. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

10. Send a copy of this order along with copy of the paper book to Respondent No.2 during the course of the day. Free copies of this order be made over to the learned counsel for the parties.


(R.C.MISRA)

MEMBER(A)

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