

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 309 OF 2013

Cuttack, this the 23rd day of May, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)**

Manoranjan Sahoo,
aged about 43 years,
S/o. Trilochan Sahoo,
At-Nuasasan,
P.S.- Gurudijhatia,
Dist- Cuttack
Present place of posting as S.D.E. (U.S.O),
O/o. CMT, BSNL, Odisha, Bhubaneswar.

.....Applicant

(By Advocate(s): Ms A.K.Sarangi, A.C.Sarangi)

VERSUS

Union of India represented through

1. Secretary, Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel and Training,
New Delhi.
2. Asst. General Manager (HR &Adm.),
BSNL, Odisha Circle,
Bhubaneswar, Dist-Khurda.
3. Chief General Manager, (T),
Bharat Sanchar Nigam Ltd., Odisha Circle,
Bhubaneswar, Dist-Khurda.

..... Respondents

(By Advocate: Mr. S.B. Jena)

ORDER (Oral)

MR. A.K. PATNAIK, MEMBER (J):

Heard Mr. A.K.Sarangi, Learned Counsel for the Applicant,
and Mr. S.B.Jena, Learned Addl. Central Govt. Standing Counsel appearing
for Respondent No.1 as well as Respondent Nos. 2 and 3, on whom a copy
of this OA has already been served.



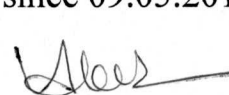



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2. This O.A. has been filed by the applicant challenging letter No. ST/103-3/2012 dated 10.04.2013 in which the applicant has been transferred from SDE (USO), CO BBSR to SDE G. Udayagiri under TDE, PBN vice Shri P.C.Naik. Ventilating his grievance and highlighting the provisions for transfer of physically challenged employees, which have been annexed under Annexures-A/5 and A/6, the applicant made a representation to Respondent No.3 on 13.04.2013 and 07.05.2013. A rejection order/order of disposal of representation for modification/retention has been communicated to the applicant by Respondent No.2, which has been annexed under Annexure-A/8. Mr. Sarangi brought to our notice that though vide department's O.M.No AB-14017/41/41/90-Estt (RR) dated 10.05.1990 a specific guideline has been formulated regarding requests from physically handicapped employees for transfer to or near their native places may also be given preference, which covers physically handicapped employees in Group A, B, C and D, still then the authorities have not taken into consideration the grievance advanced by the applicant while rejecting his representation under Annexure-A/7.

3. We find that the order of rejection under Annexure-A/8 is a non-speaking order and simply it has been stated that "representations have been examined and regretted by the competent authority".

4. On the other hand, Mr. S.B.Jena, Ld. Counsel appearing for the Respondents, submitted that the order dated 07.05.2013 is an outcome of the decisions taken by the competent authority, which may be in the file, but admittedly that has not been communicated to the applicant. So also, Mr. Jena submitted the applicant has already been relieved since 09.05.2013, to


which Mr. Sarangi, Ld. Counsel for the applicant, strongly refuted by stating that the applicant has not been relieved from present place of posting.


5. In the above situation, we find that the concerned authority should have communicated the decision of the representation to the applicant by way of reasoned order so that he will know the reasons for rejection of his representation and that will not be mere formality but the following of principles of natural justice. Therefore, without going into the merit of this case, while quashing Annexure-A/8 so far as the applicant's case is concerned, we remand it back to Respondent No.3 to reconsider the case of the applicant taking into account the guidelines applicable to the physically challenged employees and communicate the result thereof by way of reasoned and speaking order within a period of one month from the date of receipt of this order.

6. So far as relieving of the applicant is concerned, status quo in respect of the applicant will be maintained till the representation is disposed of and order is communicated to the applicant.

7. With the aforesaid observation and direction, the O.A. stands disposed of at the stage of admission itself.

8. Copy of this order along with paper book be transmitted to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant, for which Mr. Sarangi, Ld. Counsel for the applicant, undertakes to furnish the postal requisite by 24.05.2013.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)