

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No.446 of 2013

Cuttack, this the 15th day of July, 2013

CORAM

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

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

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Shri Bharat Kumar Barik, aged about 55 years, Son of Late Madhu Barik of Village Prasannapur, Post Badanaukana, Ps.Rajanagar, Dist. Kendrapara working as Upper Division Clerk in the office of the Eastern Rivers Division, Central Water Commission, Plot No. 13&14, Bhoinagar, Bhubaneswar, Dist. Khurda, PIN-751 022.

.....Applicant

(Advocate(s) -M/s.S.Rath, B.K.Nayak-3,D.K.Mohanty)

-VERSUS-

Union of India represented through -

1. Secretary to Government of India, Ministry of Water Resources, Shramashakti Bhawan, Rafi Marg, New Delhi-100001.
2. The Central Water Commission represented through its Chairman, CWC, Sewa Bhawna, R.K.Puram, New Delhi-110 066.
3. The Chief Engineer, Government of India, Central Water Commission, Mahanadi and Eastern Rivers Organization, Plot No. A-13/14, Mahanadi Bhawan, Bhoinagar, Bhubaneswar-751 022.



4. The Executive Engineer, Central Water Commission, Eastern Rivers Division, Plot No. A-13 & 14, Bhoinagar, Bhubaneswar, PIN -751 022.
5. The Superintending Engineer, Government of India, Central Water Commission, Office of the Chief Engineer, Mahanadi and Eastern Rivers Organization Mahanadi Bhawan, Plot No.A-13 and 14, Bhoi Nagar, Bhubaneswar-751 022.
6. The Director (Administration), CWC, Room No. 320(S), Sewa Bhawan, R.K.Puram, New Delhi 11006.
7. Shri Manas Ranjan Mishra, NEID-II, CWC, Aizwal, Mizoram.

.....Respondents

(Advocate(s)-Mr.S.Barik)

ORDER

(Oral)

A.K. PATNAIK, MEMBER (J):

We have heard Mr.G.Rath, Learned Senior Counsel appearing for the Applicant assisted by Mr.D.K.Mohanty, Learned Advocate and Mr.S.Barik, Learned Additional CGSC, appearing for the Respondent-Department and perused the records. In the instant case, we find that the applicant being aggrieved by the posting of Respondent No.7 in his place



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submitted a representation on 14.5.2013 requesting his retention at Bhubaneswar on the grounds that his wife is working as Senior Draftsman under the Government of Odisha, daughter's education and while retaining employee having longest stay at Bhubaneswar he has been disturbed. We also find that the said representation was duly forwarded by the Executive Engineer vide letter dated 14.5.2013 (Annexure-A/6) giving justification of the retention of the applicant at Bhubaneswar and stating that even if Respondent No.7 is posted at Bhubaneswar, the Applicant can be retained forwarded the representation of the Applicant to the Superintendent Engineer, HO Circle, CWC, Bhubaneswar and the Superintending Engineer (C) in letter dated 17th May, 2013 (Annexure-A/7) after placing reliance on the OM of the DOP&T dated 30th September, 2009 and endorsing the views of the Executive Engineer, forwarded the representation of the Applicant to Respondent No.2 for consideration. We further find that Respondent No.2 without

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ascribing any reason rejected the representation of the applicant in a routine manner vide order dated 10th July, 2013 at Annexure-A/9 with direction to relieve the applicant. Hence being aggrieved by the aforesaid orders, the applicant has approached this Tribunal in the instant OA with prayers to quash the order dated 14.5.2013 (Annexure-A/7) in so far as posting of Respondent No.7 in his place is concerned, order dated 31.5.2013 (Annexure-A/8) in so far as his posting to Shilong is concerned and the order of rejection dated 10th July, 2013 at Annexure-A/9. He has also sought direction to the Respondent No.2 to allow him to continue at his place of posting as per the letters under Annexure-A/6 & A/7.

2. As it appears, as if the Respondent No.2 rejected the representation of the Applicant vide letter dated 10th July, 2013 at Annexure-A/9 without placing any reliance on the letter of the Superintending Engineer and Executive Engineer placed at Annexure-A/6 & A/7 because had it been so the reason in

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support of the rejection would have been spelled out in the said order.

3. In view of the above, the order rejecting the representation of the applicant with direction to relieve him immediately contained in Annexure-A/9 dated 10th July, 2013 is hereby quashed and the matter is remitted back to the Respondent No.2 to reconsider the representation of the applicant at Annexure-A/5 keeping in mind the letters under Annexure-A/6 & A/7 as well as the OM of the DOP&T dated 30th September, 2009 and communicate the result thereof in a well-reasoned order to the Applicant within a period of sixty days from the date of receipt of copy of this order and till then status quo, as of date, in so far as the relieve of the applicant shall be maintained.

4. In the result, without expressing any opinion on the merit of the matter, with the aforesaid observation and direction

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this OA stands disposed of at this admission stage. There shall be no order as to costs.

5. As prayed for by Mr. D.K.Mohanty, Learned Counsel for the Applicant, copy of this order along OA be sent to the Respondent Nos. 2,3 and 4 for compliance at his cost for which he undertakes to furnish the required postal requisites by 17.7.2013.



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



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