

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 916 OF 2013

Cuttack the 17th day of February, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER

Dr. Sriprakash Mohanty,
aged about 43 years,
Son of Sri Rudra Prasad Mohanty,
At present working as Principal Scientist,
Central Institute of Fresh Water Aquaculture,
At-Kausalyagang, Bhubaneswar-751002.

...Applicant

(Advocates: M/s- U.C. Patnaik, S.D. Mishra, S. Patnaik, M.R. Sahoo)

VERSUS

Union of India Represented through

1. Secretary,
Department of Agricultural Research
and Director General
Indian Council Agricultural Research
(in short ICAR), Krishi Bhawan,
New Delhi-11001.
2. Secretary,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi-11001.
3. Director,
Central Institute of
Fresh Water Aquaculture,
At-Kausalyagang,
Bhubaneswar -751002.

... Respondents

(Advocate: Mr. S.B. Jena)



ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. U.C.Pattnaik, Ld. Counsel for the applicant, and Mr. S.B.Jena, Ld. Counsel appearing for the Respondents-ICAR, and perused the materials placed on record.

2. The applicant, who is at present working as Principal Scientist, Central Institute of Fresh Water Aquaculture, has filed this O.A. under Section 19 of the Administrative Tribunals 1985 challenging his transfer from Fish Health Management Division, CIFA Hqrs., Kausalyaganga to Field Station, Kalyani of RRC, CIFA, Rahara, West Bengal, vide order dt.12.12.2013.

3. On 26.12.2013 while issuing notice to the Respondents, as an ad interim measure, Respondents were directed to allow the applicant to continue in his place at CIFA, Bhubaneswar, if none is posted in his place at Bhubaneswar in the meantime.

4. Today when the matter came up before us for hearing, Mr. U.C.Pattnaik, Ld. Counsel for the applicant, submitted that the order of transfer dated 12.12.2013, is a cryptic one as in the said letter it has been mentioned that his transfer is on public interest without any deliberation. He further submitted that there should have been six persons in the transfer committee ^{but} that Committee was constituted with four persons only as could be evident from Annexure-9. Applicant's further grievance is that his children are studying in school and therefore during mid-academic session, he should not have been transferred. His further contention is that there is no post of Principal Scientist at RRC, CIFA, Rahara, West Bengal (his new place of posting) and as per the transfer policy the longest staying Principal Scientist should have been transferred first.

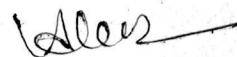
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5. On being confronted as to whether he has approached the departmental authorities ventilating his grievances as stated above after receipt of the order of transfer dated 12.12.2013, Mr. Pattnaik, Ld. Counsel for the applicant has fairly submitted that owing to the urgency without representing to the authorities, he has approached this Tribunal.

6. In view of the above, we are of the considered opinion that as the applicant has approached this Tribunal without availing of opportunity by way of filing representation, we dispose of this Original Application, by giving liberty to the applicant to make a comprehensive representation to Secretary, ICAR within a period of 15 days hence, & on receipt of the representation, if filed by the applicant within a period of 15 days, Secretary, ICAR is directed to consider the same and pass a reasoned and speaking order within a further period of six weeks and communicate the result thereof to the applicant. It is made clear that till the representation is considered and the result is communicated to the applicant, no coercive action will be taken against the applicant. No costs.



(R.C.MISRA)
MEMBER (Admn.)



(A.K.PATNAIK)
MEMBER(Judl.)

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