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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00681 OF 2014

Cuttack this the 12th day of September, 2014

CORAM

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

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Akshaya Kumar Prusty,
aged about 48 years,
Son of Late Gangadhar Prusty,
At- Khaira, Po.- Badchana, Dist- Jajpur,
At present working as Assistant
in the Central Institute for Fisheries Aquaculture,
Kausalyagang, At/PO- Kausalyagang, Bhubaneswar, Dist. Khurda.

...Applicant

(Advocates: M/s. J.Sengupta, D.K.Panda, G.Sinha, A.Mishra, P.P.Behera)

VERSUS

Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. Indian Council of Agriculture Research
Represented through its Secretary,
ICAR, Krishi Bhawan, New Delhi -110001.
3. Deputy Director General (Fisheries) ICAR,
Krishi Anusandhan Bhawan-II, PUSA,
New Delhi-110012.
4. Director,
Central Institute for Fisheries Aquaculture,
Kausalyagang, Bhubanesdwar, Dist-Khurda.

... Respondents

(Advocate: Mr. S.B.Jena)



ORDER (ORAL)

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

Heard Mr. A. Mishra, Ld. Sr. Counsel, assisted by Mr. J. Sengupta, Ld. Counsel for the Applicant, and Mr. S.B.Jena, Ld. Counsel appearing for the Respondents-ICAR, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order dated 02.09.2014 (Annexure-A/11) by which he has been transfer to Regional Research Centre, Vijayawada from CIFA Hqrs. Kausalyaganga, Bhubaneswar. It has been submitted that applicant was elected as a Member of the Institute Joint Staff Council for the period 01.08.2011 to 31.07.2014 and as such he cannot be transferred before 31.07.2015 as there is a prohibition of transfer of Member of the Institute Joint Staff Council within one year of cessation of his membership. It is further submitted that he has been transferred without the approval of the Transfer Committee. Mr. Mishra, Ld. Sr. Counsel, submitted that the applicant's representation dated 03.09.2014 (Annexure-A/12) filed before the Dy. Director General (Fisheries), i.e. Respondent No. 3, copies of which have also been forwarded to Respondent No. 1 and 2, is pending for consideration. He submits that order of transfer dated 02.09.2014 may be stayed till the representation is considered.

3. Mr. S. B. Jena, Ld. Counsel appearing for the Respondents, submits that he has no immediate instruction regarding status of the representation as stated above. However, he brought to my notice that vide order dated 10.09.2012 the applicant has already been relieved with

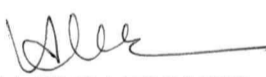


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immediate effect, to which Mr. Mishra, Ld. Sr. Counsel appearing for the applicant, replied that he has no immediate instruction in this regard.

4. Be that as it may, since it is the positive case of the applicant that no decision has been communicated to him by Respondent No. 3 on the representation submitted vide Annexures-A/12, without entering into the merit of this matter, this O.A. is disposed of at this admission stage with direction to Respondent No. 3 to consider the grievance of the applicant as referred to by him in his representation, if the same is still pending with him, and communicate the decision thereof, in a well-reasoned order to the applicant within a period of 30 (thirty) days from the date of receipt of a copy of this order. It is further directed that till the representation is considered and disposed of, status quo in respect of the relieve of the applicant will be maintained. No costs.

5. Send copies of this order to the Respondents. Copies of this order be handed over to the Ld. Counsels appearing for both the sides.


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

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