

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 1347 of 1996.
(UNLISTED)

Present: Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.

Hon'ble Mr. M.S. Mukherjee, Administrative Member.

MAJOJA KUMAR CHOUDHURY

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr.P. Chatterjee, counsel.

For the respondents: NONE.

Heard on: 13.11.96.

Ordered on: 13.11.96.

O R D E R

M.S. Mukherjee, A.M.

1. This is filed as an unlisted motion to-day. Mr.P. Chatterjee, 1d. counsel, appears for the petitioner. None is present for the respondents.
2. The petitioner had been appointed as a Lower Division Clerk in the office of National Sample Survey Organisation (Field Operations Division), Eastern Zone, Calcutta on compassionate ground on 28.2.95 on the death of his father in order to help the bereaved family. It is contended that since there was no vacancy in the State of Orissa where his family is staying, he was accommodated in the Calcutta office and since then he has been making representations for transfer

to Bhubaneswar or at Sambalpur as early as possible. Petitioner contends that meanwhile one Mr.S.P.Sahoo had also been similarly appointed on compassionate ground on 21.9.95 and had also been posted at Calcutta in absence of any vacancy in Orissa. The petitioner has, however, learnt that the Jt.Director,National Sample Survey Organisation by his letter dt.14.7.95 addressed to the Regional Assistant Director,Calcutta requested him to consider the case of Mr.Sahoo for posting in Bhubaneswar. The petitioner is aggrieved on the ground that the petitioner having been appointed earlier on compassionate ground than Mr.Sahoo, his case is being bye-passed whereas Mr.Sahoo's case has been considered for posting at Sambalpur. He has, therefore, prayed for a direction on the respondents to transfer him to Orissa in the post to be available in the near future. His further grievance is that if Mr.Sahoo is posted at Orissa thereby ignoring the case of the applicant, he would suffer by depressed seniority in relation to Mr.Sahoo.

3. We find that although the petitioner has grievance against Mr.Sahoo, he has not been impleaded as a party. ~~Mr.Sahoo has not been transferred to Orissa.~~ However, considering the facts and circumstances presented by the 1d.counsel for the petitioner, we dispose of the application at this stage itself with the order that the respondent no.2 herein namely the Joint Director,Field Operations Division,Head Quarters,National Sample Survey Organisation,Department of Statistics,South Block,Pushpa Bhawan,Madam Giri Road,New Delhi,shall consider the case of ~~Mr.Sahoo~~ the petitioner as well as the case of ~~Mr.Sahoo~~ ^{of their final} Mr.Sahoo and then shall appropriately ~~decide~~ [^] decide about posting in a vacancy in Orissa state keeping in view the grievances

of the petitioner with regard to related seniority. Till such decision is made by the respondent no. 2 herein, no such transfer shall be made by the respondents.

4. Plain Copy of the order be handed over to the ld. counsel for the petitioner who shall ~~s~~ immediately communicate the same to all the respondents along with a copy of the petition and annexures thereto.

M. S. Mukherjee
(M. S. Mukherjee)
Member (A)

A. K. Chatterjee
(A. K. Chatterjee)
Vice-Chairman.