

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/000135 OF 2017

Cuttack, this the 16th day of March, 2017

CORAM

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

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Rabindra Mohapatra, aged 56 years, Son of Late Nilamani Mohapatra, At present working as J.T.O-I, (AIR Wing), ARC, Charbaita, At/PO/PS-Charbaita & Dist-Cuttack.

...Applicants

(By the Advocate-M/s. S. Mallick, P.R. J. Dash, P.C. Das)

-VERSUS-

Union of India Represented through

1. Special Secretary, Aviation Research Centre(ARC), Cabinet Secretariat, East Block-V, R. K. Puram, New Delhi-110066.
2. Joint Director(Press-D), Aviation Research Centre(ARC), Cabinet Secretariat, East Block-V, R. K. Puram, New Delhi-110066.
3. Chief Engineer, (Air Wing) ARC, Charbaita At/PO/PS-Charbaita & Dist-Cuttack.
4. P. K. Mohanty, JTO-I(Inst.), Palam, New Delhi.

...Respondents

By the Advocate- (Mr. S.B. Mohanty)

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. S. Mallick, Ld. Counsel appearing for the applicant and Mr. S.B. Mohanty, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Mr. Mallick submitted that the applicant is at present working as J.T.O-I, (AIR Wing), ARC, Charbaita and has approached this Tribunal challenging the order transferring him from Charbatia to New Delhi in violation of the Government circular regarding transfer policy in respect of ARC personnel. Mr. Mallick further submitted that the applicant has already completed 4 ½ years of service at ARC New Delhi and his superannuation date being 31.01.2021, ultimately has left with four years of service and therefore, his transfer to New Delhi is against the Rules. In this regard, the order of transfer passed by the authority on 03.02.2017 (Annexure-A/1)

was brought to my notice by which the applicant has been transferred from ARC Charbatia to ARC Palam. However, this is an order of chain transfer and one Sri P. K. Mohanty, JTO-I(Inst.) has been posted at Charbatia in place of the applicant. The applicant has submitted that his wife is not keeping well and she is also a State Govt. employee. He has also other family difficulties and it is very difficult on his part to move to Delhi at the fag end of his service career. Mr. Mallick submitted that the applicant has made a representation ventilating his grievance before the Special Secretary, Aviation Research Centre(ARC), Cabinet Secretariat(Respondent No.1) and also praying therein for cancellation of his transfer order. The said representation is stated to be pending at the disposal of the authorities.

3. On the other hand, Mr. Mohanty, Ld. ACGSC has no immediate instruction in this matter.

4. However, as the transfer has been made in normal course, it is within the competency of the appropriate authority to consider the representation on its merit. Therefore, at the stage of admission, since a representation submitted by the applicant is stated to be pending with Respondent No.1, I do not think it proper to admit this matter. Therefore, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.1 to consider and dispose of the representation of the applicant dated 18.02.2017 (Annexure-A/2) if it is pending at his level and communicate the result thereof to the applicant by way of a well-reasoned order as expeditiously as possible within a period of 30 (Thirty) days of receipt of copy of this

order. It is further directed that, till the representation is disposed of, the status quo in respect of continuance of the applicant shall be maintained.

5. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. S. Mallick, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent No.1 by Speed Post at the cost of the applicant, for which Mr. Mallick undertakes to file the postal requisites by 21.03.2017.

(R.C.MISRA)
MEMBER(A)

K.B.