

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1  
27.03.2019  
O.A./260/215/2019  
WITH IP, ON MEMO

N R NAYAK  
-V/S-  
D/O POST

ITEM NO:17

FOR APPLICANTS(S) Adv. : Mr. C. P. Sahani

FOR RESPONDENTS(S) Adv.: Mr. C. M. Singh

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for applicant and the respondents.</p> <p>Mr. C. M. Singh, Ld. Counsel for the respondents submitted that he will obtain instructions on letter dated 19.03.2019(Annexure-A/7) from the respondents. It is submitted by the applicant's counsel that since the applicant has been transferred vide order dated 04.7.2018(Annexure-A/4) he should not be transferred again vide order dated 19.03.2019 for no fault of the applicant. Ld. Counsel for the applicant further submitted that the applicant is continuing at GDSMD/MC, Bamdevpur, BO as on today. Ld. Counsel for the respondents raised the issue that the applicant has not approached the departmental authority against the order dated 19.03.2019(Annexur-A/7) and he has approached this Tribunal directly.</p> <p>In view of the above submissions, we are of the view that the applicant should be given an opportunity to file a representation before the authorities.</p> <p>Hence, the applicant will have liberty to file a fresh representation before the respondent no. 3 with copy to the respondent no. 4 within 15 days from the receipt of a copy of this order, after which the respondent no.3/ the competent authority shall consider such representation if filed within. time as stated above and dispose it of by passing a speaking order under intimation to the applicant within a period of two months from the date of receipt of such representation. Pending disposal of the representation of the applicant, the respondents are directed to maintain the status quo in respect of the posting of the applicant as on today if no reliever has already joined as GDSMD/MC, Bamadevpur BO as on today, till disposal of the applicant's representation as above. The OA is disposed of with above direction to the Respondent No. 3 with no</p>

costs.

It is made clear that we have not expressed any opinion on the merit of this case while passing this order and that if no representation is filed by the applicant within the time as stipulated above, then the respondents will be at liberty to take necessary action as appropriate in pursuance to order dated 19.03.2019(Annexure-A/7)

Copy of this order be made available to Ld. Counsels for both the parties.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

pms