

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 363 of 2018

Date of order : 28.1.2019

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

S.Siva Shankar Rao, aged about 41 years, S/o S.Satyanarayana, At-Ward No.65, Payakapuram, Vijayawada, A.P., at present O/o Asst. Central Intelligence Officer, SIB (MHA), Govt. of India, Jeypore, Dist. _ Koraput (under order of transfer).

.....Applicant

VERSUS

1. Director of Intelligence Bureau (DIB), Ministry of Home Affairs, Govt. of India, North Block, New Delhi – 10001.
2. Joint Director, Subsidiary Intelligence Bureau, Govt. of India, At-Bidyut Marg, Unit-5, Bhubaneswar.
3. Asst. Central Intelligence Officer, SIB (MHA), Govt. of India, Jeypore, Dist. – Koraput.

.....Respondents.

For the applicant : Mr.B.K.Mohapatra, counsel

For the respondents: Mr.S.Behera, Sr. counsel

O R D E R (ORAL)

Per Mr.Gokul Chandra Pati, Member (A)

This application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- “(a) The impugned order of transfer dtd. 23.2.2018 filed under Annexure A/4 and the impugned order of rejection of his representation dtd. 20.2.2018 filed under Annexure A/6 may be quashed by declaring the both orders as illegal and arbitrary.
- (b) Respondents may be directed to allow the applicant to continue in his present post of posting in the office of Respondent No.3 at Jeypore till he avail voluntary retirement.
- (c) Any other order(s) as may deemed just and proper may be passed in order to give complete relief to the applicant.”

2. Heard Mr.B.K.Mohapatra, learned counsel for the applicant. Learned counsel for the applicant submitted that the applicant has challenged the transfer order dated 23.2.2018 (Annexure A/4) transferring the applicant from Bhubaneswar to Delhi and the order dated 20.6.20128 (Annexure A/6) by which, the representation filed by the applicant has been rejected. He submitted that at present the applicant is continuing at Bhubaneswar in view of the interim order dated 13.7.2018 of the Tribunal, by which the status quo regarding the place of posting of the applicant was required to be maintained by the respondents. He submitted that in pursuance to that order, the

applicant has admitted his son in the School at Bhubaneswar and it will cause an extreme hardship on the part of the applicant if he is relieved in pursuance of the transfer order in the midst of the academic session.

3. Heard Mr.S.Behera, learned counsel appearing for the respondents, who submitted that the applicant had been transferred on the basis of his option for posting and his request to be retained at Bhubaneswar could not be accommodated because of the administrative constraints, as he was posted at Delhi in place of other outgoing officers, for which his services are required at Delhi in public interest.

4. We have considered the submissions of learned counsels for both sides as well as the material on record. It is seen from the representation dated 22.2.2018 (Annexure A/5) that the applicant had decided to take voluntary retirement in March 2019 after completion of 20 years of service as stated in the said representation.

5. In view of the submissions, the OA is disposed of with liberty to the applicant to file a representation before the respondent No.2/competent authority within one week, stating his difficulties on account of schooling of his son for being retained at Bhubaneswar till June, 2019 and if such a representation is received by the respondent No.2/competent authority, the same shall be considered as per law and appropriate decision taken and communicated to the applicant within two months of receipt of the representation and till a decision is taken on the said representation, the status quo in respect of the applicant's posting as on date shall be maintained. Accordingly the interim order dated 13.7.2018 stands merged with this order.

6. With the above direction the OA is disposed of. There will be no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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