

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

ORDER SHEET

COURT NO. : 1
06/02/2019
O.A./260/102/2019

U R R PATNAIK
-V/S-
SURVEY OF INDIA

ITEM NO:3

FOR APPLICANTS(S) Adv. : Mr. S. K. Ojha

FOR RESPONDENTS(S) Adv.: Mr. J. K. Nayak

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for the Applicant and Ld. Counsel for the Respondents.</p> <p>Mr. J. K. Nayak, Ld. Counsel submitted that he is appearing for the Respondents, in this case and his name is not reflected in the cause list. Registry is directed to reflect the name of Mr. J. K. Nayak, Ld. Counsel for the Respondents in the cause list in future.</p> <p>Mr. J. K. Nayak, Ld. Counsel for the Respondents submitted the he has filed short reply after serving copy to the Ld. Counsel for the Applicant and it is taken on record.</p> <p>Ld. Counsel for the Respondents submitted further that the applicant had submitted the application dated 17.12.2018 for transfer at his own request to Hyderabad and then a letter was issued to the applicant on 08.01.2019 to submit his pension paper. As stated by the Applicant's counsel, the pension papers were initially submitted by the applicant, but it was taken back for</p>

some defects and the applicant wanted file the pension papers shortly. It is seen from the short reply filed by the Respondents that the request of the applicant for transfer of the applicant to Hyderabad was not considered. It is further stated that the applicant suppressed the fact that he had submitted an application dated 07.12.2018(Annexure-R/1) for transfer to Hyderabad at his own request.

In view of the submissions by Ld. Counsels for both the parties and the averment in the O.A as well as short reply, it is clear that the vide letter dated 08.01.2019 (Annexure R/2), the Respondents asked the applicant for submissions of his pensionary papers and in this letter it is clearly mentioned that the applicant is going to retired on 31.05.2019. Ld. Counsel for the Applicant has also stated that the applicant has now made up of his mind to continue at Bhubaneswar at the time of retirement instead of taking into fact of transfer to Hyderabad and accordingly the applicant has made necessary arrangement at Bhubaneswar. But inadvertently this fact could not be informed to the Respondents in time. On the face of this facts, before relieving the applicant on 31.01.2019 in spite of the request by the applicant who is retiring on 31.05.2019 authorities should have considered his difficulties.

In view of above facts and circumstances, the O.A is disposed of at this stage with a direction to Respondent No. 2/competent authority to consider the case of the applicant as stated in the O.A for being retained at Bhubaneswar till his retirement. The applicant is at liberty to file a fresh representation addressed to Respondent No. 2/competent authority stating his difficulties for which he does not want to go to Hyderabad now. If such a representation is filed within 10 days from the date of receipt of this order, then respondent No. 2/competent authority will consider his request to be retained at Bhubaneswar till his retirement

sympathetically. Pending final decision of the respondents on the representation, the applicant be allowed to continue at Bhubaneswar.

It is made clear that we have not expressed any opinion on the merit of this case while passing this order.

Copy of this order along with paper books be sent to Respondent No.2/competent authority within 07 days by speed post at the cost of the applicant for which Ld. Counsel for the applicant has agreed to deposit the postal requisites by 15.02.2019.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

pms