

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. O.A. 350/01515/2018

Date of order: 9.10.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**Manoj Kumar Nayak,
Aged about 44 years,
Son of Sri Narasingha Nayak,
Permanent of Makaraprasad, Daspalla,
And presently working as Surveyor,
Odisha, GDC, Survey of India,
Survey Bhawan, Bhubaneswar,
Dist. Khurda – 751013.**

... Applicant.

Versus

1. Union of India
represented through its Secretary,
Government of India,
Ministry of Science & Technology,
Technology Bhawan,
New-Mehrauli-Road,
New Delhi – 110 016.
2. The Surveyor General's Office,
Hathibarkala Estate,
Post Box No. 37,
Dehradun,
Uttarakhand – 248001.
3. The Dy. Surveyor General of India,
Surveyor General's Office,
Hathibarkala Estate,
Post Box No. 37,
Dehradun,
Uttarakhand – 248001.
4. The Director,
Survey of India,
Survey Bhawan,
Bhubaneswar,
Dist. – Khurda – 751013.

... Respondents

For the Applicant : Mr. S.K. Ojha, Counsel

For the Respondents : None

hml

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This Original Application has been taken up for consideration by the Central Administrative Tribunal, Kolkata Bench in pursuance to directions of the Central Administrative Tribunal, Principal Bench dated 18.9.2018 whereby it has been directed that CAT, Cuttack Bench will be attached with CAT, Kolkata Bench for the period from 22.9.2018 till further orders.

2. In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant seeks the following relief:-

"(i) To admit the O.A.;

(ii) To quash the order of posting/transfer order dated 5.8.2018 under Annexure A/6 holding the same is bad in law;

(iii) To prohibit/restrain the Respondents to displace the applicant on unreasonable grounds;

(iv) And further be pleased to pass any other order/orders as deemed fit and proper."

3. Ld. Counsel for the applicant is present. None for the respondents.

4. The applicant had joined as TTA in the department of Survey of India and thereafter, after attending training and postings, was transferred to Odisha GDC on 31.7.2012. During his tenure at Odisha GDC, he was attached to IIS & M, Hyderabad for attending a Refresher Course and, while attending such Refresher Course, the applicant was transferred permanently to Hyderabad and was accordingly released by IIS & M, Hyderabad after completion of attachment period.

That, the transfer guidelines relating to posting of husband and wife on spouse grounds as well as restrictions on transfer during mid-academic session having been violated in the case of the applicant, being aggrieved, the applicant has approached the Tribunal in the instant Original Application.

hsl

Ld. Counsel for the applicant draws attention to the transfer policy 2015 (Annexure A-9 to the O.A.) of the respondent authorities, namely, Survey of India, with particular reference to service tenure noted at Para 12 of the same. Ld. Counsel for the applicant further submits that the applicant has represented against the transfer order dated 5.8.2018 (annexed as Annexure A-6 to the O.A.) on 6.9.2018 to respondent No. 2, who is the Surveyor General of India, requesting for retention at GDC, Odisha on personal grounds.

5. We are of the considered opinion that the applicant has to exhaust departmental remedies available to him as mandated under Section 20 of the Administrative Tribunals Act, 1985. Accordingly, without entering into the merits of the matter, we direct the respondent No. 2, namely, the Surveyor General of India to examine the contents of the applicant's representation dated 6.9.2018, if received at his end, (Annexure A-8 to the O.A.) in accordance with law and rules governing the field, within a period of 6 weeks from the date of receipt of a copy of this order. Till the disposal of the representation and if not relieved earlier, the applicant shall be allowed to be retained at his present place of posting.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP