

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

ORDER SHEET

COURT NO. : 1
30/07/2019
O.A./260/488/2019

MRS SUJATA BEHERA
-V/S-
NAVODAYA VIDYALAYA SAMITI

ITEM NO:14

FOR APPLICANTS(S) Adv. : Mr. D.K. Mohanty

FOR RESPONDENTS(S) Adv.: Mr. M.R. Mohanty

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>Applicant's counsel submitted that the transfer order has been uploaded in the internet which has been downloaded vide Annexure-A/3 and the applicant has been transferred to Kalahandi. She has given representation at Annexure-A/7 which has been forwarded to the Regional Director as submitted by the respondents' counsel. Applicant's counsel has also produced the copy of the circular dated 15.02.1991 and 06.06.2014 of DOP&T which is regarding transfer and posting of Government employees who have physically and mentally challenged children. Applicant submitted that she has a mentally challenged child and for taking care of her child she was continuing at the present place. Copy of the medical documents have already been filed by the applicant in support of her case. Respondents' counsel</p>

submitted that the the applicant is continuing in the present place of posting since the year 2002.

Although in the transfer order it has been mentioned that it is a proposed transfer order but it appears that the authorities have decided to carry out the transfer order. Therefore there is reasonable apprehension on the part of the applicant that she may be transferred as per order. When the representation dated 27.07.2019 (Annexure-A/7) is pending before the authorities it is necessary that the authority should consider the said representation in the light of the relevant circulars and guidelines of the Government and their own organisation so that the representation can be duly disposed of.

In view of the above submissions, we are of the view that no purpose would be served by keeping the O.A. pending. Taking note of the fact that the applicant has filed the representation dated 27.07.2019 (Annexure-A/7) which is pending, the O.A. is disposed of at this stage with a direction to Respondent No.1/competent authority to consider the representation dated 27.07.2019 (Annexure-A/7) of the applicant and dispose of the said representation, by a speaking and reasoned order as per the provisions of law and existing policy, copy of which is to be communicated to the applicant within two weeks from the date of receipt of a copy of this order. Till disposal of the said representation. the

applicant shall not be disturbed from his present place of posting.

It is made clear that this Tribunal has not expressed any opinion on the merit of the case, while passing this order. The O.A. is disposed of accordingly. No costs.

Applicant will be at liberty to send copy of this order along with relevant documents and copy of the representation to Respondent No.1/competent authority with copy to Respondent No.2 within three days from the date of receipt of copy of this order.

Urgent Copy of this order be given to Ld. Counsel for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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