

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

**ORDER SHEET**

COURT NO. : 1

27/09/2019

O.A./260/648/2019

BIRANCHI NARAYAN DAS

-V/S-

KENDRIYA VIDYALAYA SANGHTHAN

ITEM NO: 6

FOR APPLICANTS(S) Adv. : Mr.R.Roy

FOR RESPONDENTS(S) Adv.: Mr.H.K.Tripathy

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for the applicant. Mr.H.K.Tripathy, learned counsel enters appearance on behalf of the respondents. Registry is directed to reflect the name of Mr.H.K.Tripathy in the future cause list.</p> <p>The matter pertains to transfer of the applicant by virtue of the order dated 19.9.2019 (sl. No. 5) at Annexure A/3. Learned counsel for the applicant submits that the applicant has submitted a representation at Annexure A/4 series by which he has taken the plea that his eldest son is studying in Class XII (Commerce Stream) in Kendriya Vidyalaya at Bhubaneswar and no such facility is available at Kendrapara to which place he has been transferred. He has also mentioned in the representation that the transfer order has been issued in the mid-academic session and has requested to let him continue in the present place till the end of this academic</p>

session. The said representation has already been forwarded by Dy. Commissioner to respondent No.1, as seen from Annexure A/4 series. Now the applicant wants to make a fresh representation in continuation of the earlier representation putting forth all the grounds and grievances so that the same can be disposed of by respondent No.1. The said representation be submitted within 7 days.

It is submitted by the learned counsel for the respondents that the applicant has already been relieved and documents to that effect has been filed by him.

In the above circumstances, it is directed that if such a representation is filed by the applicant within a period of 7 days, the concerned authority shall consider the same sympathetically since the transfer order has been issued in mid-academic session and no Commerce Stream in which his eldest son is studying is available at Kendrapara, where he has been transferred. The said representation be considered in accordance with law and by passing a speaking and reasoned order and the said order be communicated to the applicant within 2 months.

Learned counsel for the applicant further submitted that the applicant will be seriously prejudiced and facing hardship if he is asked to vacate the quarter at Khurda due to the

above mentioned facts. In case the applicant mentions such grievance in his representation, it is expected and hoped by this Tribunal that the authorities shall consider the same sympathetically.

The OA is accordingly disposed of at this stage without expressing any opinion on the merit of the case. There will be no order as to costs.

Copy of this order be handed over to both the learned counsels in course of this day.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

I.Nath