

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

ORDER SHEET

COURT NO. : 1
20/06/2019
O.A./260/398/2019

N C NAYAK
-V/S-
CENTRAL GROUND WATER BOARD

ITEM NO:9

FOR APPLICANTS(S) Adv. : Mr. S.B. Jena

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

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for both the sides.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant's children are prosecuting their studies at Bhubaneswar. His father has under gone bypass surgery. He further submits that the applicant has been transferred without placing his case before the Placement Committee although it was incumbent on the part of the respondents to place the matter before the Placement Committee as per policy decision at Clause 15 of Annexure-A/3. The applicant has filed documents in support of his claim regarding illness of his father and education of his children.</p> <p>Mr. J.K. Nayak, Ld. Counsel for the respondents submits that transfer order passed vide order at Annexure-A/2 dated 31.05.2019 shows that the transfer order has been passed in public interest and with</p>

the approval of the Chairman, CGWB. He further submitted that as per the facts presented by the applicant, he has already completed more than 14 years at Bhubaneswar during different tenure. Therefore his transfer is not contrary to the policy as mentioned in Clause-14 of Annexure-A/3. He further submits that the applicant has not submitted any representation. Therefore, he having not exhausted the departmental remedy this case is premature.

Being confronted with this aspect, Ld. Counsel for the applicant prays liberty of this Tribunal to submit representation before the Respondent No.2/competent authority.

In view of the same, and taking into consideration the grievance of the applicant the O.A. is disposed of at this stage with liberty to the applicant to file a detailed representation to Respondent No.2/competent authority raising the grounds which have been taken in this O.A. enclosing copy of the circulars or rules in his favour within 07 days of receipt of copy of this order. If such a representation is filed within time as specified above, the Respondent No.2/competent authority is directed to consider the matter as per the law and dispose of the same by passing a speaking and reasoned order, copy of which shall be communicated to the applicant within 15 days from the date of receipt of such representation.

It is made clear that till disposal of the said representation and communication of such order to the applicant the applicant shall not be disturbed if no reliever has joined in his place.

It is made clear that no opinion has been expressed on merit about the case while passing this order.

Accordingly, the O.A. is disposed of at this stage. No costs.

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

(SWARUP KUMAR MISHRA)
MEMBER (J)

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