

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 23202 of 2022

Union of India and others

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Petitioners

Mr. M.K. Pati, CGC

Vs.

***Sushanta Kumar Dash and
another***

.....

Opposite Parties

***Mr. M.K. Swain, Adv.
(O.P.1)***

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

26.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. M.K. Pati, learned Central Government Counsel appearing for the petitioners-East Coast Railway.

3. The petitioners have filed this writ petition challenging the order dated 05.08.2022 under Annexure-15 in O.A. No.590 of 2021, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack has directed the petitioners to consider the grievance of opposite party no.1 for his posting at Cuttack Station.

4. Mr. M.K. Pati, learned Central Government Counsel appearing for the petitioners-East Coast Railway contended that opposite party no.1 was transferred from Bhubaneswar to Khurda Road Division and challenging the same, he earlier had approached the Tribunal by filing O.A. NO.260/158 of 2021, which was disposed of vide order dated 18.10.2021 with a direction to give a fresh look to the grievance of opposite party no.1 and pass appropriate order within a period of 30 days from the date of receipt of a copy of the order. In compliance of the same, the order dated 19.11.2021 under Annexure-11 was passed by the authority.

Challenging the said order, opposite party no.1 again approached the Tribunal by filing O.A No. 260/000590 of 2021, which was disposed of vide order dated 05.08.2022 with a direction to the petitioners to consider the grievance of opposite party no.1 for posting at Cuttack Station.

5. Having heard learned Central Government Counsel appearing for the petitioners and after going through the records, this Court finds that the Tribunal has taken note of the fact that when the post is lying vacant at Cuttack and the circular provides for posting of disabled persons nearer to native place, transferring opposite party no.1 to Khurda and managing the work of Sr. Clerk in Cuttack station by the clerk of operating department does not sound proper and appeal to judicial conscience and that the stand taken by the petitioners cannot have any significant effect, thereby, the decision relied upon by the present petitioners has no application to the case of opposite party no.1. By so noting, the Tribunal quashed the order dated 19.11.2021 under Annexure-11 and directed the authority to reconsider the case of opposite party no.1 with the change of circumstances.

6. In that view of the matter, this Court does not find any error in the order dated 05.08.2022 passed by the Tribunal in O.A No. 260/000590 of 2021 so as to warrant interference of this court. Accordingly, the writ petition merits no consideration and the same is dismissed.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

