

(2006) 07 OHC CK 0026

In the Orissa High Court

Case No : Writ Petition (C) No. 11571 of 2005

Sarangadhar Martha

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 13-07-2006

Acts Referred:

Citation : (2006) 2 OLR 401

Hon'ble Judges : N. Prusty, J; I.M. Quddusi, J

Bench : Division Bench

Advocate : Rabinarayan Naik, G.N. Rout and R.K. Pattnaik, for the Appellant;
Additional Government Advocate, for the Respondent

Judgement

1. Heard Mr. Rabinarayan Nayak, learned Counsel for the petitioner and learned Additional Government Advocate for the State.
2. This writ petition has been filed against the impugned order dated 9.9.2005 passed by the Orissa Administrative Tribunal, Bhubaneswar in O.A. No. 784 of 2005 which was filed by the petitioner against the impugned order of his transfer from Khariar to Angul in the post of Assistant Conservator of Forest, Working Plan Division, Angul, dismissing the Original Application.
3. Transfer is of one of the exigencies of service of a Government servant and if the Government have transferred a Government servant on public interest or on some administrative ground there is no scope for the Tribunal or this Court to interfere in the matter.
4. Before the Tribunal, the petitioner tried to take a plea that he was transferred four times within a span of two years, on which the Tribunal scrutinized the relevant documents and found that his first transfer from Khariar to Bhawanipatna was only temporary shifting of headquarters and the second transfer order was an order of redeployment back to Bhawanipatna along with more than 200 other employees.

5. It also appears that the petitioner had filed Original Application being O.A. No.1247 (C) of 2005 earlier before the Tribunal which was disposed of vide order dated 13.7.2005 directing the opposite parties to consider the grievance of the petitioner and to take a decision whether the petitioner can be allowed to continue in his present place of posting and communicate his decision to the petitioner. Consequently, a decision was taken vide order dated 31.8.2005 rejecting the representation of the petitioner with a reasoned order.

6. Being aggrieved he filed O.A. No. 784 of 2005 before the Tribunal, which was dismissed by the impugned order.

7. Learned Counsel for the petitioner has submitted that there are Government orders that In case a Government servant is posted within the area of K.B.K. and has served for more than three years excluding the period spent on leave, may give two options for his posting and as far as practicable, his first option will be respected failing which the second option will be taken into consideration. Copy of the said order dated 16.8.2001 has been annexed as Annexure-2 to the rejoinder affidavit.

8. However, in the earlier representation filed pursuant to the direction of the Tribunal, the petitioner had not given options and only requested the Government for his transfer at his present place of posting, which was rejected.

9. Considering the facts and circumstances of the case, we have not found any good reasons in interfering with the impugned order of transfer passed by the tribunal. However, in case the petitioner files a representation giving his options for his posting, the same shall be considered as far as practicable pursuant to the direction contained in above mentioned Government Order dated 16.8.2001.

10. the petitioner may file a representation giving his options before the concerned authority along with a copy of the said Government order as well as the certify copy of this order. In the mean time, it will be open for the petitioner for join at his new place of posting in compliance with the direction of the tribunal subject to the decision taken by the concerned authority on his representation in view of the Government order dated 16.8.2001.