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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 1922/2002

Monday, this the 29th day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Amitabh Bhardwaj
Assistant Station Master, Delhi Division
Northern Railway

..Applicant

(By Advocate: Ms. Rinchen ~~Ongnu~~ Bhutia)

Versus

1. Union of India
through the General Manager
Northern Railways, Head Quarters Office
Baroda House
New Delhi

2. The Divisional General Manager
Headquarter Office
Baroda House
New Delhi

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant, an Assistant Station Master sought mutual transfer with one Shri Satish Gahlot, Assistant Station Manager/Bhalabgarh BVH, Central Railway, Jhansi Division some time in July, 1999. While the aforesaid request was still pending, the domestic circumstances of the applicant underwent a change when his mother fell seriously ill because of which he made a representation that his earlier request for mutual transfer be cancelled. Meanwhile, the aforesaid Shri Gahlot joined Delhi Division on 18.9.2000. However, the matter was considered and a letter was sent to the General Manager on 15.1.2001 for considering the applicant's representation. Despite Shri Gahlot joining the Delhi Division, the applicant was allowed to continue to work in Delhi Division itself. No formal orders have been

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passed on his representation, but by a letter issued on 17.1.2002 (A-1), the applicant has been directed to be spared immediately from Northern Railway for Central Railway. The aforesaid letter does indicate that the applicant's case for mutual transfer was put up before the competent authority, who instead of passing a speaking order on the applicant's representation has decided to spare him for the Central Railway in terms of the impugned letter (A-1). In the circumstances, the applicant prays for quashing and setting aside of the aforesaid impugned letter dated 17.1.2002 and also for assigning him due seniority in the pay grade of Rs.5000-8000/-. We have considered the submissions made by the learned counsel, who has, during the course of hearing, decided to withdraw the aforesaid relief regarding grant of due seniority in the pay grade of Rs.5000-8000/- with leave to file separate application in that regard in due course in accordance with law. She, however, presses for setting aside of the impugned letter dated 17.1.2002 (A-1). We notice that the respondent-authority has not passed any order whatsoever on the applicant's representation for the cancellation of his request for mutual transfer. The said representation dated 24.10.2000 is still pending, insofar as passing of a proper order thereon is concerned.


2. We are, in the circumstances, inclined to take the view that the ends of justice will be duly met by disposing of the present OA at this stage even without issuing notices with a direction to the respondents to consider the aforesaid representation dated 24.10.2000

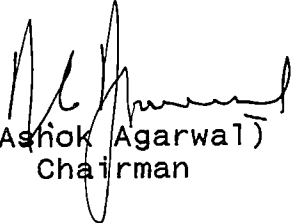
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and to pass a reasoned and a speaking order thereon within a period of two months from the date of receipt of a copy of this order. We direct accordingly. We also direct that until orders as above have been passed, the orders contained in the impugned letter of 17.1.2002 (A-1) shall not be enforced. The learned counsel's prayer regarding the second relief is granted.

3. The present OA is disposed of in the aforestated terms at the admission stage itself.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

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