

CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD BENCH

O. A.No.137/2020 With M.A. No. 144/2020
Dated the 12th day of June 2020

CORAM:

Hon'ble Sh. Jayesh V. Bhairavia, Member (J)
Hon'ble Sh. A.K.Dubey, Member (A)

Amir Khan A., S/o Abdul Rahman aged 31 years, working as ALP, HQ GIM under Ahmedabad Division, resident of Plot No. 9, 12 B Collector Road, Gopal Bhavan, Gandhidham. ... **Applicant**
[By Advocate Ms. S.S.Chaturvedi]

Versus

1.Union of India notice to be served through General Manager, Western Railway, Churchgate, Mumbai – 400020.
2.Divisional Railway Manager (E), Western Railway, Near Chamumda Bridge, Asarwa, Ahmedabaad.
3.Assistant Diesel Mechanical Engineer, ADME Office, Gandhidham Railway Station Loco Office, Gandhidham – 370201. ... **Respondents**
[By Advocate Mr. M.J.Patel]

O R D E R (Oral)

Per: Jayesh V. Bhairavia, Member (J)

Applicant, Amar Khan, has filed this O.A. inter alia, praying for a direction to the respondents to consider him for Inter-Division transfer at RTM Division and further respondents be directed to interpolate the name of applicant in the Memorandum No. EM/1140/1/2 (Running) INDT dated 19th May, 2020 (Annex. A/1) at Serial No. 21 as per his seniority with all consequential benefits.

2. Brief facts are that applicant is presently working as ALP at Gandhidham under the Ahmedabad Division. He made an application dated 26.5.2017 for his Inter-Division transfer from Ahmedabad to Ratlam. The respondents vide their letter dated 14.2.2020 (Annex.A/3)

issued a list of applications for Inter-Division own request transfers of ALP Category employees, wherein, name of the applicant appeared at Sl.No.63 and date of application has been shown as 7.10.2017 instead of 26.5.2017. Thereafter, respondents had finalised the list of the candidates who had applied up to 6.6.2017.

Therefore, it is the contention of applicant that his actual date of application for own request Inter-Division transfer was 26.5.2017. The said application of applicant was approved after thorough scrutiny by the Sr. DME on 29.7.2017. To substantiate this submission the counsel for applicant placed reliance on Annex. A/2 collectively, and more particularly page No. 23 of the said Annex. A/2. It is also submitted that his application was forwarded by the said Sr. DME on 29.7.2017. It is also submitted that applicant was assured by his seniors that his application dated 26.5.2017 was forwarded to the competent authority for further approval. However, to the utter shock and surprise the name of applicant was not included in the final approved list. The applicant came to know about over writing in his application including the date of submission which was over-write as 7.10.2017 instead of 26.5.2017. It is contended that due to manipulation in his application by someone in the Department he was deprived of his consideration though his application was well in time. It is submitted that a representation to this effect was sent to the respondents on 22.2.2020 (Annex.A/5) however, nothing has been heard till date.

3. Learned counsel for respondents vehemently opposed the application and submitted that O.A. moved by applicant is premature as his representation is dated 22nd February, 2020 only and despite waiting for decision on his representation, he straight way approached this Tribunal, therefore, O.A. be dismissed at this stage itself. At the

same time, he has fairly submitted that his pending representation will be expeditiously considered.

4. Heard learned counsel for both sides and perused the material available on record.

5. At this stage, without entering into the factual matrix of the matter and the submissions made on behalf of the applicant, it is deemed appropriate to dispose of this application giving a direction to the respondents to take a decision on applicant's pending representation within a specific time frame. Learned counsel for the applicant during the course of arguments submits that applicant will be satisfied if appropriate direction be issued to respondents for considering and deciding his pending representation dated 22.2.2020. Accordingly, respondent No. 2 i.e. the Divisional Railway Manager (E), Western Railway, Ahmedabad is directed to decide the pending representation of applicant dated 22nd February, 2020 (Annex.A/5) within one month from the date of receipt of a copy of this order by a speaking order and communicate the result to the applicant.

6. With the above observation, the O.A. is disposed of at the stage of admission. Accordingly, the MA No. 144/2020 also stands disposed of.

(Dr.A.K.Dubey)
Administrative Member

(J.V.Bhairavia)
Judicial Member