

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Original Application No. 040/00261/2018

Date of Order: This, the 8th day of August 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

1. EMP.No.12404271221
Smti Niva Rani Das,
Wife of Late Bipul Chandra Das
Technician/Fitter, Grade-III
Department of Mechanical
(SSE/C/IC/GHY).
Under Senior Coaching Depot
Officer, Lumding Division,
N.F.Railway, Guwahati
PIN-781001

By Advocate Mr.Adil Ahmed.

-AND-

1. The Northeast Frontier Railway
Represented by the General Manager,
Northeast Frontier Railway, Maligaon.
Guwahati,
Pin-781011.
2. The Divisional Railway Mnager(P),
Northeast Frontier Railway
Lumding Division.
District-Hojai, PIN-782447
3. The Senior Coaching Depot Office r, Coach
Maintenance Depot ,N.F.Railway, Guwahati
Pin-781001
4. The Senior Section Engineer/C/IC/TP/Guwahati,
N.F.Railway, Lumding Division,
Guwahati
Maligaon, PIN-781011

By Advocates: Ms.Usha Das, Railway S.C.

O R D E R (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

The applicant herein approached before this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 with the following reliefs:

“8.(1) To direct the Respondents to set aside and quash the impugned Transfer order bearing No.E/4/GHY/CDO/SD dated 23.07.2018 & sparing order bearing No.SSE/C/TP/GHY/Transfer dated 01.08.2018 Speaking order vide No.E/170/LC/NS/1643/13 dated 02.04.2013.

8. (2) To direct the Respondents authorities particular the Respondent No.3 to modify the transfer order of the Applicant from Pit Line Kamakhya Station to any office duty at Guwahati.

2. Learned counsel for the applicant submitted that the applicant was appointed in N.F.Railway, Guwahati on Compassionate ground after death of her husband. Her only daughter is suffering from Epilepsy/Seizure Disorder since her birth. After few days of joining in N.F.Railway, the applicant has suffered from Tuberculosis with Neurological problem which is not curable till date. Doctor has advised her to avoid hard work. Due to medical problem, the respondents are accommodating her in light office duties which are not such laborious.

3. Learned counsel for the applicant further submitted that the Senior Coaching Depot Officer, Coach Maintenance Depot Guwahati, N.F.Railway vide office order No.E/4/GHY/CDO/SD dated 23.07.2018 has transferred the applicant to Pit Line/Kamakhya along with 7(seven) others. In the said transfer order the applicant name appeared in Sl.No.5 and direction was issued to carry out the order within 10(ten) days from the date of issue of the order. Thereafter, the senior Coaching Depot officer vide letter No.SSE/C/TP/Ghy/Transfer dated 01.08.2018 addressed to the Section Engineer/IC/PIT/KYQ has informed that as per Transfer order Smti Niva Rani Das i.e. present applicant spared from her duty w.e.f. 02.08.2018 to resume her duty in new place of posting. In pursuance of the order dated 1.8.2018, the petitioner joined the present place of posting on 03.08.2018. During the duty hours on 05.08.2018 she has accidentally fall down while doing her job. She immediately rushed to Railway Central Hospital, Maligaon for treatment. Till date, she is undergoing medical treatment at hospital.

4. Being aggrieved with the impugned transfer order No.E/4/GHY/CDO/SD dated 23.07.2018 and sparing bearing No.SSE/C/TP/GhHY/Transfer dated 01.08.2018, the applicant approached before this Tribunal for setting aside the impugned transfer order and to accommodate in any office duty which are not in hazardous and laborious after her release from Railway Hospital.

5. Heard the learned counsel for the applicant , perused the pleadings and material placed before us.
6. From the perusal of the records, it is noted that against the impugned transfer order dated 23.07.2018 and sparing order dated 01.08.2018 the applicant has not made any representation to the respondent authority for her redressal. Hence, without going into the merit of the case, we feel deem fit and proper to issue a direction to the applicant to make a comprehensive representation before the respondent authority by annexing all medical documents within a period of 15 days from the date of receipt of this order. Ordered accordingly. On receipt of such representation, the respondent authority shall consider and dispose of within a period of 3 months thereafter by allowing the applicant to retain for any office duty at Guwahati not in field duty.
7. O.A. is disposed of accordingly at the admission stage itself. No order as to costs.

**(N. NEIHSIAL)
ADMINISTRATIVE MEMBER**

**(MANJULA DAS)
JUDICIAL MEMBER**