

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00063/2020

Jabalpur, this Friday, the 17th day of January, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

M. Babu Abdul Khadeer,
S/o Shri K.A. Mohammad Ali
Aged about 30 years
Presently Posted as SPO,
South East Central Railway Headquarter,
Bilaspur (C.G.) R/o Qtr. No.IV A2/4,
Railway Officers Colony Near Bharat Mata
Chowk Bilaspur (C.G.) PIN 495004

-Applicant

(By Advocate-**Shri Manoj Sharma**)

V e r s u s

1. Union of India, through its Secretary
Ministry of Railway Rail Bhawan
New Delhi 110001

2. The Chairman Railway Board,
Rail Bhawan
New Delhi 110001

3. The Member Staff, Railway Board,
256-A Raisina Road, Rajpath Area,
Central Secretariat,
New Delhi 110001

4. The General Manager
South East Central Railway
Headquarters, Bilaspur, Railway Station,
Bilaspur (C.G.) 495004-

Respondents

(By Advocate-**Shri A.S.Raizada**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Heard.

2. Through this Original Application the applicant seeks to call in question the impugned rejection order dated 10.12.2019 (Annexure A/1) passed by respondent No.3 whereby cadre clearance for joining on deputation at Kerala Transport Development Finance Corporation Limited has been rejected.

3. The applicant has prayed for the following reliefs:-

“8(i) Summon the entire relevant record from the possession of respondents for its kind perusal;

(ii) To quash and set aside the impugned rejection order dated 10.12.2019 (Annexure A/1);

(iii) To command and direct the respondent authorities to grant the Cadre Clearance to applicant for joining on deputation in Kerala Transport Development Finance Corporation Ltd.;

(iv) To command and direct the respondent authorities to relieve the applicant immediately for joining Kerala Transport Development Finance Corporation Limited;

(v) Grant any other relief/s which this Hon'ble Tribunal deems fit and proper.

(vi) Award the cost of the instant lis to applicant.”

4. The applicant submitted that he belongs to Indian Railway Personnel Services, 2013 Batch and is presently holding the post Senior Personal Officer at South East Central Railway, Zonal Office, Headquarters Bilaspur. The applicant due to extreme personal circumstances was compelled to search some assignment on deputation at the place within the geographical territory of the State of Kerala. In recent past applicant's wife had a miscarriage and went into mental depression for a brief period and she has accepted an assignment and presently working as a Lecturer in Arulmurugan Polytechnic College, Thennilai. The applicant's mother is also a Government School Teacher and posted in South and father of the applicant is under treatment of cardiac and other age related ailments. The applicant wish to manage the things by assembling his entire family in a nearby place has made efforts to get some assignment with any autonomous body or any other

Government Organization within territory of the State of Kerala.

5. After applying through proper process the applicant has been appointed as Managing Director of Kerala Transport Development Finance Corporation Limited, an Autonomous Body functioning under the Government of Kerala vide appointment order dated 07.08.2019 (Annexure A/2).

6. The applicant by preferring a representation dated 19.08.2019 has informed the respondents that he has been found suitable to work on the deputation as Managing Director under the Government of Kerala in the Kerala Transport Development Finance Corporation Ltd., and has requested the authorities of SECR to forward his request to the Railway Board for Cadre Clearance. Copy of forwarding letter dated 19.08.2019 along with relevant note sheets annexed as Annexure A/3. The necessary vigilance and integrity status of applicant has already been issued by the office of SDGM regarding any

SPE/DAR/Vigilance case pending against the officer. Despite from the prompt action taken by the Headquarters SECR Bilaspur no action was initiated by the Board for issuing cadre clearance certificate in favour of the applicant for said deputation. The applicant preferred a detailed representation on 01.10.2019 requesting respondent No.3 to take necessary action. Copy of said representation is annexed as Annexure A/4.

7. The applicant apprised the authorities of Railway Board by presenting his family condition and also pointing out that he is already working as surplus in the cadre at SECR (against sanctioned post-3; Actual working -6). The applicant has also submitted that the application preferred by Yashanjit Singh, has been received by him and it shows that vide order dated 16.08.2017 Railway Board has issued an order for relieving his services to join on deputation under government of Punjab. The same is annexed as Annexure A/5.

8. The applicant has filed Original Application No.1007/2019 before this Tribunal and vide order dated 06.11.2019 disposed of the same with a direction to the competent authority of the respondent-department to decide the representation of the applicant dated 01.10.2019 within a period of 30 days from the date of communication of this order.

9. In pursuance to the order dated 06.11.2019 passed by this Hon'ble Tribunal, the respondent authorities vide impugned order dated 10.12.2019 rejected the representation of the applicant which is annexed as Annexure A/1.

10. Learned counsel for the applicant submits that the applicant has preferred a Review before the Member Staff on 24.12.2019 vide Annexure A/8, which is still pending for consideration.

11. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the competent authority of the respondents is directed to

consider and decide the said review application within a stipulated time frame.

12. As the review application dated 24.12.2019 (Annexure A/8) is pending before the competent authority of the respondent-department and the applicant has highlighted his contention in Annexure A/8 regarding factual aspect which has been communicated in the impugned order Annexure A/1. It is pertinent to mention that Kerala Transport Development Finance Corporation Limited has informed the applicant that if he does not join till the end of February, 2020 his order of appointment on deputation dated 07.08.2019 shall be cancelled. In such circumstances this Tribunal feels that the natural justice will be met if the competent authority of the respondents are directed to decide the review application dated 24.12.2019 (Annexure A/8) before the said cut off date i.e. end of February 2020.

13. In view of the above, competent authority of the respondents is directed to consider and decide the review

application dated 24.12.2019 (Annexure A/8) before the end of February 2020, if not already decided, with a reasoned and speaking order. The decision so taken shall be communicated to the applicant. This Tribunal is not expressing any view/opinion on the merits of the case.

14. With these observations, this Original Application is disposed of accordingly.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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