

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

30/09/2020

O.A./260/395/2020

JOSWALA NAGESH BABU  
-V/S-  
M/O RAILWAYS

ITEM NO:10

FOR APPLICANTS(S) Adv. : Mr. B. S. Tripathy

FOR RESPONDENTS(S) Adv.: Mr. T. Rath

Notes of The Registry	Order of The Tribunal
	<p>Learned counsel for the applicant and Mr. T. Rath, learned counsel for the respondents are present and heard through VC. Learned counsel for the applicant submitted that the applicant is aggrieved by the order of transfer at Annexure A/1 (SL. No. 12) by which he has been transferred from Rayagada to Khurda Road. He has submitted a representation at Annexure A/5 to reconsider his transfer stating some difficulties. He has also submitted that as per policy at Annexure A/3, minimum tenure of two years is available to him and he has not completed two years in his present station. He also submitted that as per Railway Board circular at Annexure A/4 all transfer orders are to be kept pending till 31.03.2021. He further submitted that limited prayer at this point of time is for consideration of representation at Annexure A/5 and till such consideration he should be allowed to continue in his present place of posting.</p>
	<p>Learned counsel for the respondents objected to the submission stating that the policy of minimum tenure is not applicable to senior officers. He further submitted that circular at Annexure A/4 of Railway Board has been modified in the meantime and that another person will join on promotion in applicant's place at Rayagada as can be seen from Sl. No. 13 of Annexure A/1.</p>
	<p>In view of the limited prayer of the applicant's counsel and without expressing any opinion on merit of the case, the OA is disposed of at this stage with direction to Respondent No. 1 to consider the representation at Annexure A/5 of the applicant in accordance with law and dispose it of by passing a speaking order, copy of which is to be communicated to the applicant as expeditiously as possible and till disposal of the representation at Annexure-A/5, the applicant is to be allowed to continue at his present place of posting if he is not relieved from the said post as on today. It is made clear that if his reliever reports for duty at Rayagada, the applicant can be relieved by the respondents.</p>

The OA stands disposed of accordingly. Copy of the order to learned counsel for both the sides. Parties are also to take action on the basis of this order which will be uploaded on the website of this Tribunal.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

sadish