

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

ORDER SHEET

COURT NO. : 1

07/10/2020

O.A./260/407/2020

JATISH CHANDRA DAS

-V/S-

M/O RAILWAYS

ITEM NO:9

FOR APPLICANTS(S) Adv. :

Mr. B.P. Das

FOR RESPONDENTS(S) Adv.:

Mr. T. Rath

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for the applicant and Mr. T. Rath, Ld. Counsel for the respondents through V.C. Learned Counsel for the applicant submits that the applicant who was working as Office Superintendent in charge of Balasore Railway Station has been transferred to Jaleswar vide order dated 30.09.2020 (Annexure-A/2) by Respondent No.3 while the applicant is undergoing treatment, suffering from fever due to suspected case of COVID. He also submits that as per circular dated 07.08.2020 (Annexure-A/3) of Ministry of Railways, normally the applicant should not have been transferred. He submits that applicant wants to submit a representation within one week before the competent authority so that the competent authority shall apply his mind and dispose of the same.</p> <p>On the other hand, Mr. T. Rath, Ld. Counsel for the respondents submits that the circular dated 07.08.2020 (Annexure-A/3) has undergone subsequent changes. He further submits that the applicant has not properly put up his case about the exact reason for the illness of the applicant. Mr. Rath further submits that the Sr. Divisional Railway Manager, Engineering Department of S.E. Railway, Kharagpur is the competent authority to pass the order.</p> <p>In view of the above submissions and 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 liberty to the applicant to submit a representation before the Respondent No.3/competent authority, with copy to Sr. Divisional Railway Manager, Engineering Department of S.E. Railway, Kharagpur</p>

within one week from the date of passing of this order and the respondents/competent authority shall consider if such application is filed by the applicant within one week from passing of this order and dispose of the same as per existing guidelines by a speaking order in accordance with law, a copy of which is to be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

Till such communication is made to the applicant, the applicant shall not be relieved from his present place of posting, if he has not yet been relieved.

In view of the above, the O.A. is disposed of accordingly.

Applicant is at liberty to send a copy of this order along with representation and paper books to Respondent No.3/competent authority with copy to Sr. Divisional Railway Manager, Engineering Department of S.E. Railway, Kharagpur.

Copy of this order to Ld. Counsels for both sides. The Parties may also take follow up action on this order, which will be uploaded in the website of this Tribunal.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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