



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/00243/2020

HYDERABAD, this the 20th day of March, 2020.

THE HON'BLE MRS.NAINI JAYASEELAN : ADMINISTRATIVE MEMBER

Smt. B. Aruna Bharathi,
D/o Shri A. Kalyan, Gr. 'C',
Aged about 51 years, Occ : Railway Employee,
R/o Plot No.114B, VUDA Colony,
Madhavadhara,
Visakhapatnam – 530 018, AP.

(By Advocate : Mr. S. Challappa)

...Applicant

Vs.

1. Union of India, Rep by the Secretary,
M/o Railways, Rail Bhavan, Rafi Marg,
New Delhi – 110 001.
2. The Divisional Railway Manager,
East Coast Division,
DRM's Office Complex, Waltair Division,
Visakhapatnam, A.P.
3. The Senior Dy. Electrical Engineer,
Electrical Traction Rolling Stock (TRS),
Waltair, Visakhapatnam, AP.

(By Advocate : Mr. S. M. Patnaik, SC for Rlys)

....Respondents

(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

This application is filed under section 19 of A.T.Act, 1985 for the

following relief :



“(i) Direct the Respondents to consider the case of the Applicant to retain the applicant with promotion to the post of Senior Clerk in any one of the offices of Waltair Divisions or Visakhapatnam, extending all the benefits and privileges available to the post of Senior Clerk; and

(ii) Declare that posting of the applicant as Senior Clerk to the office of Addl. Dy. Electrical Engineer, Traction Distribution (ADEE/TRD/ARK) Araku vide order dt.27.1.2020 as null and void and the same is contrary to Article 42 of the Constitution of India so also against the Article 25(1) of Universal Declaration of Human Rights to which India was one of the signatories and pass such other order or orders as this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.”

2. Heard Mr. S. Challappa, learned counsel for the applicant and Mr. Ashok Kumar representing Mr. S. M. Patnaik, learned Standing Counsel for Respondent Railways.

3. The applicant is aggrieved by the impugned order No.WAT/PB/112/2020, dated 27.01.2020 by which she has been transferred from Sr.DEE/TRS/WAT(Level-2) to ADEE/TRK/ARK (Level-5) as Senior Clerk on promotion. It is the submission of the applicant that she was appointed on Compassionate Appointment after she had voluntarily

donated a kidney to her father, who was also a Railway employee, who expired subsequently.



4. The applicant has submitted a representation dated 27.01.2020 which has not yet been considered by the Department. Learned Standing Counsel for the Respondents submits that the representation has recently been received and therefore it is still under consideration.

5. In view of the above, the OA is disposed of at the admission stage, without going into merits of the case, with a direction to the Respondents Department to consider the representation and to pass a well reasoned speaking order within a period of six weeks from the date of receipt of certified copy of this order. Needless to add, till the representation is decided, applicant should not be disturbed from her present duties without promotion.

6. The Original Application is disposed of accordingly with no order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER



vi.