

**Central Administrative Tribunal
Hyderabad Bench**

Original Application No.20/323/2020

Hyderabad, this the 8th day of July, 2020

Hon'ble Shri Ashish Kalia, Member (J)
Hon'ble Shri B. V. Sudhakar, Member (A)

B. VenkateshYadav, Group C
S/o B. Chandraiah,
Aged about 32 years,
Senior Section Engineer/PSI/SUP
Srungavarapukota, Vizianagaram District
Andhra Pradesh, Pin: 535145. ... Applicant

(By Advocate: Shri K. Mallikharjun)

Versus

1. The Union of India rep by its Secretary
Ministry of Railways
New Delhi – 110 001.
 2. The Sr. Divisional Personnel Officer
East Coast Railway, Waltair
Visakhapatnam, Andhra Pradesh. Pin:535145.
 3. The Senior Divisional Electrical Engineer (Sr. DEE/TRD/WAT)
Waltair Division, East Cost Railway Divisional
Railway Manager Office Complex
Dondaparthi, Visakhapatnam.
- ...Respondents

(By Advocate: Shri S.M.Patnaik, SC for Railways)

O R D E R (Oral)

By Shri B.V.Sudhakar, Member (A):

2. This is regarding the transfer of the applicant from SSE/PSI/SUP to SSE/OHE/SUP in the respondents organization vide impugned order dated 30.06.2020.

3. The brief facts of the case are that the applicant was appointed as JE/PSI/DMK on 19.06.2013. On his appointment, the applicant was posted to DILMILI on 19.06.2013. The 3rd Respondent has issued proceedings dated 19.08.2019 posting the applicant to S.Kota as SSE/OHE/SUP and the proceedings were cancelled for the reasons best known to them. However, the applicant has joined at S.Kota after representing to the competent authority. Now the applicant has been shifted vide the order impugned in the OA.

4. The contentions of the applicant are that his wife is pregnant and therefore, he has to attend on her and that there is no one on his behalf to take care of her in view of Corona (COVID-19) prevailing in the country. Besides, the applicant claims that he has to spend more

number of hours in the new assignment and therefore he would not be able to take care of his pregnant wife. Therefore, he has prayed for retention in the present posting at S.Kota.

5. Heard both the learned counsel and perused the records on file.

6. The learned counsel for the applicant has prayed that the applicant would make a representation to the respondents and the respondents can dispose of the representation on humanitarian grounds since there is none except the applicant to attend on his pregnant wife due to the prevailing Covid-19 situation in the country. The learned counsel for the respondents submits that the applicant has been moved from one office to another office in the same station and therefore, Covid has no relevance to the transfer ordered.

7. Nevertheless, since the learned counsel for the applicant submitted that the applicant would submit a representation, the applicant is permitted to do so within a week from the date of receipt of a copy of this order. Thereafter, the respondents are directed to dispose of the same within four weeks as per the rules and in accordance with law. The prayer of the applicant that his case be considered on humanitarian

grounds, may be borne in mind and decided by the respondents as deemed fit in the matter.

With the above directions, the OA is disposed of, at the admission stage itself. There shall be no order as to costs.

(B. V. Sudhakar)
Member (A)

(Ashish Kalia)
Member (J)

Nsn/evr