

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00607/2020

HYDERABAD, this the 30th day of September, 2020



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Majid Khan S/o Yakub Khan,
Aged 44 years,
Occ : Chief Parcel Supervisor (Group 'C'),
O/o The Station Manager,
Hyderabad R.S. South Central Railway,
Secunderabad Division,
Hyderabad, Telangana State.

...Applicant

(By Advocate : Mr. KRKV. Prasad)

Vs.

1. Union of India Rep by
The General Manager,
South Central Railway, 3rd Floor,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Commercial Manager,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.
4. The Senior Divisional Personnel Officer,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

....Respondents

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

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The O.A. has been filed in regard to the transfer of the applicant from Hyderabad to Bidar.
3. The brief facts of the case are that the applicant has been promoted from the cadre of Commercial Supervisor to the cadre of Chief Commercial Supervisor on 1.1.2020. The applicant being senior, is entitled to continue in a post located within the Hqrs. area in preference to the juniors. The applicant claims that seniors have to be given preference over the juniors as per the transfer policy. Besides, the Railway Board has ordered not to displace any employee till 31.3.2021 in view of the Carona pandemic. The respondents have transferred the applicant to a far off place though he is senior. The juniors of the applicant have been accommodated in nearby places. The applicant has made a representation on 23.9.2020, pointing out the violation resorted to by the respondents in transferring him to a far off place. The representation has not been disposed of till date. Aggrieved over the transfer, the applicant has filed the instant O.A.
4. The contentions of the applicant are that the name of the authority, who has approved the transfer has not been indicated. The instructions of the Railway Board circulated vide Sl. Circular No.87/2014 and the directions of the Hon'ble Supreme Court in W.P. (C) 82/2011 have not been followed. Accommodating the employees who are junior to the applicant in nearby places and posting the applicant in a far off place is

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unfair. This decision of the respondents in violation of the transfer policy contained in letter dated 3.11.1992 r/w amendment dated 14.9.1993. Transfer should not be effected against the transfer policy.

5. Heard Sri K.R.K.V. Prasad, learned counsel for the applicant and Sri S.M. Patnaik, learned counsel for the respondents, and perused the pleadings on record.

6. The applicant on promotion to the cadre of Chief Commercial Supervisor has been transferred to Bidar. The applicant contends that his transfer is against the transfer policy guidelines of the respondents. Further, he points out that his juniors were given preference in posting them to places near around Hyderabad. He also states that as per Railway Board instructions, no transfer should be effected till 31.3.2021. Therefore, aggrieved with the decision of the respondents, the applicant made a representation on 23.9.2020. The same has not been disposed till date. Learned counsel for the respondents, contesting the facts stated by the applicant, has submitted that the Railway Board's order on transfer is applicable only to those transfers, which are effected annually in a routine course. The transfer of the applicant has been effected after he has been promoted. Therefore, the Railway Board's order does not apply ~~in~~ his case. However, it is expected of the respondents to dispose of the representation of the applicant in regard to the grievances raised by him therein. Only after such disposal, the Tribunal can take a fair view on the matter and decide the dispute. Hence, the respondents are directed to dispose of the representation of the applicant within four weeks from the date of receipt of this order as per the rule and in accordance with law, by issuing a reasoned



and speaking order. The applicant is given one week's time to approach this Tribunal after the disposal of his representation by the respondents, if he feels aggrieved by such decision of the respondents. The respondents are directed to maintain status quo for a period of one week from the date of disposal of the representation.



With the above direction, the O.A. is disposed of at the admission stage. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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