

Through Video Conferencing**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR****Original Application No.200/551/2020**

Jabalpur, this Thursday, the 22nd day of October, 2020

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Manish Kumar Kushwaha, S/o Ram Singh Kushwaha, aged about 32 years, Occupation – Service (Helper), R/o B/1/7F, Maharani Laxmi Bai Ward, Civil Lines, Mudwara District Katni (M.P.)
-Applicant

(By Advocate – Shri Ashok Singh)

V e r s u s

1. Union of India through its General Manager, West Central Railway, Indira Market, Jabalpur (M.P.) – 482001.
2. Division Railway Manager (Personnel), West Central Railway, Indira Market, Jabalpur (M.P.) 482007.
3. Senior Section Engineer (Loco), N.K.J. Katni District Katni (M.P.) 483504.

-Respondents

(By Advocate – Shri A.S. Raizada)

O R D E R

Heard.

2. Through this Original Application, the applicant is challenging the order dated 01.10.2020 (Annexure A-6), qua the applicant, whereby the applicant has

been transferred/posted from S&T department to Carriage and Wagon department.

3. From the pleadings, the case of the applicant is that the applicant was appointed on the post of Helper in the S&T department. The applicant and one Saleem Khan, who was posted as Helper in the R&M (Diesel) department, have submitted the application for mutual transfer. Accordingly, vide order dated 23.10.2019 (Annexure A-2), the applicant was transferred from S&T department to R&M (Diesel) department. It has been submitted by the applicant that the respondents have issued a list on 07/08.2020 and prepared the transfer list in which the name of the applicant has been mentioned at serial No.69, without considering the seniority of the applicant. Thereafter, the respondents have issued a promotion list on 26.06.2020 (Annexure A-4) according to the departmental examination promoting the juniors and colleagues of the applicant. However, name of the applicant has not been considered by the respondents. The applicant has submitted a representation dated 03.06.2020 (Annexure A-5) for correcting his seniority position. However, without considering the same, the respondents have issued the transfer list dated 01.10.2020 (Annexure A-6), qua the applicant, whereby the applicant has been transferred from S&T department to Carriage and Wagon Department.



4. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide his representation (Annexure A-5) in a time-bound manner and till such time the representation is decided, the applicant may be allowed to work at present place of posting.

5. This Tribunal has considered the matter and find that ends of justice will be met if the respondents are directed to consider and decide applicant's representation (Annexure A-5) in a time frame. Accordingly, the competent authority of the respondent department is directed to consider and decide the representation (Annexure A-5), within a period of four weeks from the date of receipt of a copy of this order. Needless to say that the competent authority shall pass the reasoned and speaking order. All the contentions raised in the representation shall be dealt with. Till such time the representation is decided, the applicant shall be allowed to work at the present place of posting.

6. With these observations, this Original Application is disposed of at the admission stage itself. No costs.

**(Ramesh Singh Thakur)
Judicial Member**

am/-

