

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00126/2020

Date of decision: 24.07.2020

CORAM

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Akhilendra Kumar Singh, S/o Shri Chitradev Singh, aged about 49 years, b/c-Rajput R/o-H.No.208, Near Water Tank, Basanti Chauk, Shri Ganganagar. (Office Address:- Working as Chief Booking Clerk Shri Ganganagar under DRM Bikaner Division, Railway Department).

.....Applicant

By Advocate: Mr. S.P. Singh, present through Video Conferencing.

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur-302017.
2. Divisional Railway Manager, North Western Railway, Bikaner-33404.
3. Senior Divisional Personnel Officer, North Western Railway, Bikaner-33401.

.....Respondents

By Advocate: Mr. Darshan Jain, proxy for Mr. Vinay Jain, present, through Video Conferencing.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Heard Mr S.P. Singh, learned counsel for the applicant and Mr Darshan Jain, proxy counsel for Mr. Vinay Jain, learned counsel for the respondents, present, through VC after getting an advance notice on behalf of the respondents.

2. The matter pertains to transfer of the applicant wherein the applicant has been transferred from Shri Ganganagar Parcel Office to Suragarh Thermal Power Station vide order dt 27.02.2020, claims that he is a Booking Clerk and belongs to Booking Clerk cadre, but he has been transferred to Goods cadre as a Goods Clerk, which is a different cadre altogether, and by this transfer his seniority will be affected. Learned counsel for the applicant states that the respondents cannot change a cadre of an employee while transferring, hence, against the said transfer order, the applicant has given a detailed representation to the Department dated 29.02.2020. But the respondents have not given any reply to the pending representation of the applicant yet, to which the learned counsel for the respondents states that the applicant is on leave.

3. We feel as the representation is dated 29.02.2020, whether the applicant is on leave or not, the respondents could have given a reply to the pending representation of the applicant. As the respondents have failed to give any reply to the pending representation of the applicant and also has not yet relieved him, the respondents are directed to decide the pending representation of the applicant dated 29.02.2020 within 15 days from the date of receipt of a certified copy of this order and till that time, as the applicant has not been relieved yet, the applicant shall not be relieved.

4. With the above direction, the OA is disposed off without commenting anything on merits of the case.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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