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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No. 442 of 2020

An application under Section 19 of the Administrative Tribunal
Act, 1985;

Y. Anand,

S/O Late Y. Pentaiah,

Working in ELAAU/CLW / Dankuni,

R/O Flat No. F, Block No. 107,

Dankuni Railway Colony,

Dankuni, Hooghly- 712311.

.... Applicant

Versus-

Union of India through

1. General Manager,

Chittaranjan Locomotive Works,

Chittaranjan, District-Burdwan,

West Bengal - 713331.

2. Principal Financial Advisor,

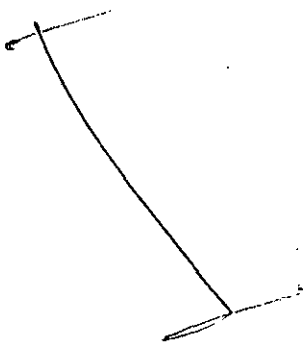
Chittaranjan Locomotive Works,

Chittaranjan, District-Burdwan,

West Bengal, PIN-713331.

3. Principal Chief Personnel Officer,
Chittaranjan Locomotive Works,
Chittaranjan, District-Burdwan,
West Bengal, PIN-713331.
4. Principal Financial Advisor,
Northeast Frontier Railway,
Malegaon, Guwahati,
Assam, PIN-781011.
5. Principal Executive Director
(Accounts)
Railway Board, Rail Bhawan,
New Delhi - 110 001.
6. Dy Financial Advisor & Chief
Account Officer-III
Chittaranjan Locomotive Works,
Chittaranjan, District-
Burdwan, West Bengal, PIN-
713331

.... Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/442/2020

Date of Order: 03.07.2020



**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Y.Anand.....Applicant

Vrs.

Union of India & Ors.Respondents

For The Applicant(s): Mr. A.P.Deb, Counsel

For The Respondent(s): Mr. K.Sarkar, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

1. Heard Ld. Counsels for both the parties.
2. The applicant in this O.A. has sought for the following reliefs:

"8.a) An order quashing/setting aside of the order No.GMA/GS/Court Case (YA) dated 19.06.2020 directing the applicant to apply for railway pass while all trains from Kolkata to Guwahati are suspended due to pandemic COVID-19.

b) An order directing the respondent authorities (1 to 6) they are main agents, subordinates to cancel, withdraw, quash, and or set aside the transfer order vide RB's Order No. E(O)III-2020/TR/06 dated 09.01.2020 issued by Rly Bd while all trains from Kolkata to Guwahati are suspended due to pandemic COVID-19.

c) An order directing the respondent authorities (1 to 6) they are main agents, subordinates to cancel, withdraw, quash and or set aside the relieving order GM(P)'s O.O.No.GAZ/148/2020 dated 23.05.2020 issued with the approval of General Manager while all trains from Kolkata to Guwahati are suspended due to pandemic COVID-19.

d) An order or direction upon the respondent authorities/ competent authority to allow the applicant to join at the transferred post of Dankuni at CLW as there is no such post at present at Dankuni.



e) To pass a direction upon the respondent authorities to consider the intervening period of joining the post at Chattaranjan as on duty.

f) To pass direction upon the respondent authorities to issue subsequent orders or directions in order to protect the service, posting, pay and perks and all incidental payments related thereto.

g) To pass a direction upon the respondent authorities to make necessary payments incidental to the transfer of the post, salary & perks for the accrued interim period and protecting all the interests of the applicant.

h) Leave may be granted to move this application on urgent basis.

i) Direction upon the respondent to produce the connected departmental records at the time of hearing.

j) Any other order or orders as the learned Tribunal deemed fit and proper."

3. The applicant is aggrieved by his transfer from Kolkata to Guwahati amid Covid -19 pandemic due to non-availability of appropriate transportation.

4. Vide order dated 01.07.2020, this Tribunal had directed Ld. Counsel for the respondents to obtain instruction as to whether the respondents shall provide/reimburse the flight fare if the applicant undertakes journey by flight since he claims that there is no train available for Guwahati for the present.

5. Today, Ld. Counsel for the respondents, Mr. K.Sarkar, placed before us the instructions obtained from the respondents and also acknowledged that if the applicant avails flight journey to join his place of transfer, the office shall reimburse the flight charges.

6. Hearing the above submission of Ld. Counsel for the respondents, Ld. Counsel for the applicant agrees that the applicant will join the place of transfer within 12 days.

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7. In view of submissions made by the Ld. Counsels for both the parties, there remains nothing further to be adjudicated in this matter. Applicant may join his place of transfer within 10 days from the date of receipt of a copy of this order.



8. Accordingly, the O.A. is disposed of. No costs.

9. Plain copy of the order be made over to the Ld. Counsels for both the parties.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK