

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00120/2021 MA 116/2021

Date of Order :23.02.2021

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



1. Tanmay Kumar Singh Roy, son of Sri P.K.Singh Roy, Senior Section Engineer (Electrical)/Drawing), Northeast Frontier Railway, Katihar, working under Chief Project Director, Railway Electrification, Gauhati at New-Jalpaiguri-734007.
2. Akhilesh Gupta, son Sri Vyas Prasad Gupta, Senior Section Engineer (Electrical)/Drawing), Northeast Frontier Railway, Katihar, working under Chief Project Director, Railway Electrification, Gauhati at Katihar-854105.

..... Applicants.

- By Advocate : Shri M.P.Dixit

-Versus-

1. The Union of India through the General Manager, Northeast Frontier Railway, Maligaon (Guahati) PIN CODE-781001.
2. The General Manager (Personnel), Northeast Frontier Railway, Maligaon (Guahati) PIN CODE-781001.
3. The Chief Electrical distribution Engineer, Northeast Frontier Railway, Maligaon (Guahati), Pin Code-781001
4. The Senior Divisional Personnel Officer Northeast Frontier Railway, Katihar (Bihar), Pin Code-854105.
5. The Chief Project Director (P), Railway Electrification, New-Jalpaiguri-734004.

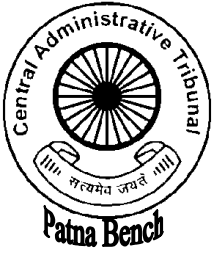
..... Respondents.

By Advocate :- Shri S.K.Ravi, Id. SC.

ORDER [ORAL]

M.C.Verma, Member (Judl.)

Being aggrieved by order dated 15.02.2021 (Annexure A/1) whereby and where under lien of the applicants have been transferred from Katihar Division, to other Division of N.F. Railway instant OA has been preferred by jointly two applicants with MA 116/2021 for joining together. Lien of applicant no. 1 has been transferred from Katihar to Rangiya and lien of applicant no.2 has been transferred from Katihar to Lumding Division. The matter is at notice stage hearing. Having received advance copy of the OA Shri S.K. Ravi, Id. Standing Counsel has appeared for the respondents.



2. Mutatis Mutandis the pleadings reveals that both applicants offered their candidature for Senior Section Engineer (Electrical/Drawing), pursuant of Employment Notice No. 01/12 issued by RRB Siliguri, they were selected and on 30.03.2013 fixing lien of them against the post of Senior Section Engineer in Katihar Division they were posted. That now vide impugned order their lien have been transferred. Grievances of the applicant are that that lien as per rule ought not to have been transferred. Pleadings also reflects that against transfer of lien, no representation at any time have been preferred by the applicants and in para 6 of the OA merely it has been stated that the impugned order has been passed in

violation of principle of natural justice which is required to be set aside and hence is the OA.

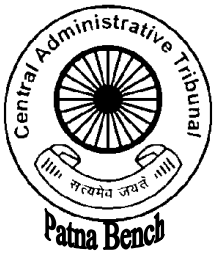
3. Heard. Learned counsel for applicants Shri M.P.Dixit pressed the OA and referred Rule 227, 228 & 243 of Indian Railway Establishment Code Vol.-I and Rule 228 speaks that lien of permanent staff transferred to another railway will be retained by the transferring railway till he is finally absorbed on the other railway whereas Rule 243 provides that subject to the provisions of Rule 227 a competent authority may transfer to another post in the same cadre, the lien of a Railway Servant who is not performing the duties of the post to which the lien relates. Learned counsel referring above said Rules. Rule 227 provides that a competent authority may transfer a Railway servant from one post to another provided that, except on account of inefficiency or misbehaviour, or on his written request. He submits that taking benefit of lien, applicant may also be transferred.



4. Learned counsel for respondents Shri S.K. Ravi vehemently opposed the maintainability of the OA. He urged that if applicants are aggrieved, they had to first approach to the Departmental authority but in instant case, no such steps was taken by the applicants, therefore, the OA deserves dismissal.

5. Learned counsel for applicants at this stage submits that if applicant is granted liberty, he may submit representation to the departmental authorities. However, he requests that some time frame may be fixed for decision of such representation.

6. Having considered the entirety and the submissions made at Bar, this OA stands disposed of with liberty to the applicants to prefer representation within a week, if they wish, and if any such representation is preferred by the applicant, the respondents authority shall take decision thereof promptly but at least within four weeks from date of receipt. Pending MA also disposed of.



[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/