

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

O.A.No.906/1996

Wednesday, this the 28th day of Feb. 2001

HON'BLE SHRI S.K.I. NAQVI, M (J)

HON'BLE SHRI S.A.T. RIZVI, M (A)

Nabi Sher, S/O Sh. Abdul Majeed,
R/O Village Cheeta Mau, PO Gajna,
Distt. Kanpur Dehat.

.....Applicant.

(By Advocate: Shri Rajeev Mishra)

Vs.

1. The Union of India through Chairman Railway Board, M/O Railways, Rail Bhawan, New Delhi.
2. Divisional Rail Manager, NE Railway, Izzat Nagar, Bareilly.
3. Divisional Mechanical Engineer, NE Railway, Izzat Nagar, Bareilly.

....Respondents.

(By Advocate: Shri P.Mathur)

O R D E R (Oral)

By Hon'ble
Shri S.K.I. Naqvi, Member (J):

On desalination of Izzat Nagar Division, the applicant Shri Nabi Sher, along with 9 others, was declared as surplus staff and vide order No.9288 dated 20.4.1995, he was absorbed in Diesel Shed, Izzat Nagar, against ^{sub-}superannuary post but the same was against the option of the applicant who opted for Signal & Telecommunication when his option was called for in this regard. As ^{it} is evident from the pleadings, the applicant represented against this order dated 20.4.95 and moved the respondents to post him at the place for which he gave his option. This representation was decided by an order dated 26.6.1996, According to ~~it~~ ^{point} which, at that ^{kept} juncture of time, the transfer order was in force and the applicant

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was to be relieved to join accordingly. The applicant has come up impugning this order dated 26.6.96, mainly on the ground that the respondents did not consider his option and posted him as per order dated 20.4.95 in the Diesel Shed.


2. Heard the arguments and perused the material placed on record.

3. We find the impugned order dated 26.6.96, the copy of which is annexed as Annexure CA-I to the counter affidavit, is very non-speaking order without any mention regarding the ^{option} ~~prayer~~ of the applicant and the ground for which that prayer could not ^{be} ~~acceeded~~, for which we are not in a position to sustain ^{it} ~~the same~~ and ^{Set} ~~aside~~ ^{the same} ~~the matter~~ as above. The competent authority-respondents to re-consider the prayer of the applicant and pass detail, speaking and reasoned order, with ^{C-specific} ~~particular~~ reference to the policy provisions, regarding re-deployment of surplus staff, within three weeks from the date of ~~xxxx~~ the communication of this order through learned counsel for the respondents.

Present OAM is disposed in the aforestated terms.

No costs.

A copy of this order be provided to Shri P. Mathur, learned counsel for the respondents.



(S.A.T. Rizvi)
M (A)



(S.K.I. Naqvi)
M (J)

/s/sunil/