

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

Allahabad : Dated this 19th day of January, 2001  
Original Application No. 44 of 2001

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Anil Kumar Roy S/o S.N. Rai,  
Resident of Manas Nagar Colony,  
Mughalsarai Distt-Chandauli.

(Sri SK Dey/Sri SK Mishra, Advocates)

..... Applicant

Versus

1. Union of India through the  
General Manager, Eastern Railway,  
Calcutta-1.
2. The Senior Divisional Personnel Officer,  
E.Rly, Mughalsarai, District-Chandauli.
3. The Divisional Operating Manager,  
Eastern Railway, Mughalsarai,  
District-Chandauli.

... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant  
has challenged the order dated 7-12-2000 by which he  
has been transferred from Mughalsarai to Gaya and  
the order dated 13-11-2000 by which he has been  
suspended.

2. I have heard Sri SK Mishra, counsel for the  
applicant. Against the order of suspension, the  
applicant has a remedy of review under rules. Hence,  
I do not find it a fit case for interference. The



applicant is given liberty to approach the appropriate authority for modification or revocation of the order of suspension.

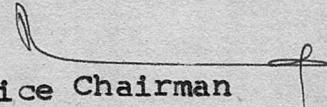
3. The second order under challenge is 7-12-2000 by which the applicant has been transferred from Mughalsarai to Gaya. Learned counsel for the applicant has submitted that this order has been passed by way of harassment as the applicant was not in a position to vacate the Railway Quarter No.1239-D in which he had been living during the life time of his father who is also an Railway employee. Learned counsel for the applicant has submitted that the respondents have <sup>not</sup> allotted the applicant another quarter for which he may be eligible and were compelling the applicant to vacate the quarter in his possession. Considering the facts and circumstances, as the applicant has challenged the order of transfer, he ought to have approached the superior Railway authorities, before coming to this Tribunal, which has not been done in the present case.

4. Learned counsel for the applicant submitted that the applicants <sup>interest</sup> should be protected, till representation of the applicant is decided. Considering the facts and circumstances of this case, the OA is disposed of finally with liberty to the applicant to make a representation to the General Manager, Eastern Railway, Calcutta against the order of transfer. The representation shall be filed within two weeks, which will be decided by a reasoned order within a month from the date of receipt of a copy of this order. It is provided that for a period of six weeks or till representation



in which ever is earlier in  
is decided, the ~~applicant's~~ order of transfer shall  
be kept in abeyance.

5. The OA is disposed of finally with the above  
directions. There shall be no order as to costs.

  
Vice Chairman

Dube/