

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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ORIGINAL APPLICATION NO. 1107 of 2001.

this the 2nd day of November 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Chhotak Yadav, aged about 40 years, S/o late Jamuna, R/o
Qr. No. 337-B, Diesel Colony, Chopan.

Applicant.

By Advocate : Sri Shesh Kumar.

Versus.

1. Union of India through General Manager, Eastern
Railway, Calcutta.
2. Senior Divisional Mechanical Engineer (D), Eastern
Railway,
/ Pataratu.
3. Senior Section Engineer (D), Eastern Railway,
Hopan.

Respondents.

By Advocate : Sri K.P. Singh.

O R D E R (ORAL)

The applicant who was posted as painter in Chopan Diesel Shed has been transferred to pataratu vide impugned order dated 27.7.2001 passed by the Senior Divisional Mechanical Engineer (D), Eastern Railway, Pataratu. The applicant has challenged the validity of his transfer order.

2. It is stated that the applicant submitted a representation before the competent authority for withdrawal of his transfer order, which has been decided vide order dated 14.8.2001 (Annexure A-1 to the O.A.) with the observation that the applicant should first report for duty and then his problems will be considered. The applicant has inter alia stated that his transfer order is neither ⁱⁿ public interest nor any administrative exigency ₇

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on the other hand his family will be disturbed. This will adversely affect his duty because his wife is working at Chopan in the State Government service namely Primary Health Centre and his two children are also studying at Chopan.

3. I have heard the learned counsel for the parties and have perused the pleadings on record.

4. The learned counsel for the applicant submits that directions may be issued to the competent authority to re-consider his representation in the light of the facts and circumstances mentioned in the representation before compelling the applicant to join at Pataratu.

5. I have considered the arguments of the learned counsel for the parties. The O.A. is accordingly disposed of with the direction to the respondent no.2 to re-consider and pass a reasoned and speaking orders on the representation of the applicant against his transfer to pataratu. It is, however, provided that operation of the impugned order of transfer ^{would be} ~~is~~ kept abeyance till the representation of the applicant is finally decided. No order as to costs.

Rajiv Kumar
MEMBER (J)

GIRISH/-