

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 21st day of April, 2004.

Original Application No. 411 of 2004.

Hon'ble Mr. D.R. Tiwari, Member- A.

Binay Kumar S/o Late Narayan Prasad a/a 45 years
R/o Railway Quarter No. 793C.D, New Central Colony,
Mughalsarai.

.....Applicant

Counsel for the applicant :- Sri Sajnu Ram

V E R S U S

1. Union of India through the General Manager,
East Central Railway, Hazipur.
2. Divisional Railway Manager, East Central Railway,
Mughalsarai.
3. Chief Personal Officer, East Central Railway,
Hazipur.
4. Assistant Personal Officer, East Central Railway,
Mughalsarai.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for issuance of direction to respondents to transfer the applicant at Head Quarter office, Hazipur as per direction of Railway Board's letter No. N.B (N.G)1/96/TR/36/vol II dt. 09.07.2002.

2. I have heard Sri S. Ram, learned counsel for the applicant and Sri K.P. Singh, learned counsel appearing for the respondents.

[Signature]

3. The undisputed fact is that the applicant gave option after creation of the new Zone for his transfer to Hazipur and his request was approved by the competent authority and he was transferred to Hazipur on 27.02.2003 (Annexure-3). However, because of the family circumstances he could not move to Hazipur and he requested for cancellation of his transfer to Hazipur. This request was also accepted by the competent authority and his transfer order was cancelled on 07.03.2003 (Annexure- 5). Learned counsel for the applicant has submitted that now the family circumstances have improved and he has again applied for his transfer to Hazipur on 01.08.2003 and his request has been rejected on 14.10.2003 by A.P.O (Annexure- 2). His contention is that he is not competent authority to reject the same.

4. The learned counsel for the respondents has strongly opposed the contention of the counsel for the applicant and he has submitted that the question of rejection of the request by the competent authority does not arise in this case as this rejection has just been communicated by the APO whereas the competent authority has passed the order. Be that as it may, the learned counsel for the respondents has also argued that since the Hazipur Zone is a new zone and after the cancellation of his transfer some other person would have join in his place. The learned counsel for the applicant submits that the time has also been extended for the purpose. The applicant has also made a representation to the General Manager, Hazipur and averment to this effect has specifically been made in para 4.5 of the O.A. His representation dated 08.11.2003 is at Annexure- 8. The applicant's wife has also made a representation to the General Manager, Hazipur which is at Annexure- 9. In my opinion, the end of justice will better be served if the competent authority is directed to decide the representation by a reasoned and speaking order within the stipulated

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time.

5. In view of the facts mentioned above, the respondent No. 3 is directed to consider and decide the representation stated above by a reasoned and speaking order within a period of two months from the date of communication of this order. The O.A is disposed of at the admission stage.

6. There will be no order as to costs.

Dhruva
Member- A.

/Anand/