

OPEN COURT

**CENTRTAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NUMBER 993 OF 2004

ALLAHABAD THIS THE 17TH DAY OF SEPTEMBER 2004

**HON'BLE MRS. MEERA CHHIBBER, MEMEBR (J)
HON'BLE MR. S. C. CHAUBE, MEMBER (A)**

Hira Prasad aged about 40 years
S/o Jitan r/o Rupetha P.O. Rupetha
District-Varanasi.

.....Applicant

(By advocate : Shri S.K.Dey / S.K. Mishra)

VERSUS

1. Union of India through the General Manager,
E.C. Railway, Hajipur.
2. The Chief Personal Officer, E. Rly.
Kolkata.
3. The Divisional Rly. Manager, E.C. Railway, Mughalsarai,
District - Varanasi.

.....Respondents

(By Advocate : Shri K.P. Singh)

ORDER

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this Original Application, applicant has sought a direction to the respondents to order ~~of~~ his return to Mughalsarai Division or relief to which he is entitled in law.



2. It is submitted by the applicant that he entered in Railway Service on 23.11.1984 as Khalasi in Mughalsari Division and was promoted in skilled grade as ESM Gr.II in 1994. He is employee of Mughalsari Division and his lien and seniority is also maintained in Mughalsari Division in Signal & Telecom Department in the category of ESM. On requisition of the Chief Signal Telecom Engineer (Project) Eastern Railway, Kolkata, applicant was deputed to work under CSTE (Project) Eastern Railway, Kolkata in 1994 since then he has been working there.
3. In October 2002 a new zone was created as East Central Railway and Mughalsari Division came under the control of E.C. Railway, Hajipur zone. Since he belonged to Mughalsari Division, he applied for his return to the parent division. When Chief Personal Officer, Eastern Railway, Kolkata requested the D.R.M. Eastern Railway, Mughalsari to accept the applicant in his Division vide letter dated 16.07.2002 (Annexure-1). His grievance is that inspite of letter dated 16.07.2002 written by Chief Personal Officer, Kolkata, D.R.M. Eastern Railway, Mughalsari has till date not passed any orders. He has given a representation also on 16.07.2003, which is annexed as Annexure-2 with the petition but even that has not been decided.
4. We have heard counsel for the applicant. Though we cannot decide about the transfer of the applicant because that will have to be seen on various factors which have to be kept in mind by the competent authority while passing such orders but we feel that interest of justice would be served if this O.A. is disposed off at the admission




stage itself without going to the merits at all by giving appropriate directions. Accordingly, this O.A. is disposed off at the admission stage itself by giving directions to DRM, East Central Railway, Mughalsari to consider the representation made by the applicant and to pass appropriate orders thereon in accordance with law and instructions on the subject within a period of 3 months from the date of receipt of a copy of this order under intimation to the applicant.

5. With the above directions, this O.A. is disposed off with no order as to costs.

Member (A)

Member (J)


Shukla/-