

(1)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad Bench, Allahabad

Original Application No.1040 of 2005.

Allahabad this the 12th day of September 2005.

Hon'ble Mr. D.R. Tiwari, A.M
Hon'ble Mr. K.B.S. Rajan, J.M

S.N Pandey
son of Shri Bhagwat Prasad Pandey,
Add.: - Booking Clerk in office of
Station Manager Northern Railway, Jhunjhunwala,
Division, Allahabad.
.....Applicant.

(By advocate : Sri S.C. Tiwari)

Versus.

1. Union of India
through General Manager
North Central Railway,
Allahabad.
2. Senior Divisional 'Karmik' Officer
Northern Central Railway, Allahabad.
3. Senior Divisional Engineer,
Northern Central Railway,
Kanpur.

.....Respondents.

(By Advocate :)

ORDER

By Hon'ble Mr. D.R. Tiwari, A.M

The instant O.A. has been filed for following
relief(s):-

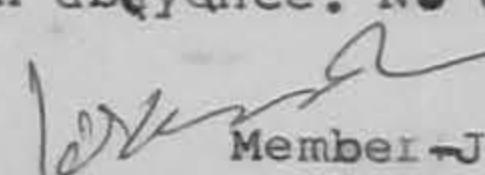
"a) The Court may be pleased to quash the order dated 02.07.2005 issued by the respondent No.3 (Annexure No.2 to the compilation No.2) as well as impugned order dated 12.05.2005 passed by the respondent No.2 (copy of the order dated 12.05.2005 has not been served upon the applicant but the reference and meaning of the order dated 12.5.2005 passed by the respondent No.2 is available in the letter dated 2.7.2005 wherefrom same may be perused by the Hon'ble Court) and respondents may be directed to maintain the services of the applicant in Commercial Department only at in place as like Kanpur, Allahabad or any other place in Northern Central Railway as well as Hon'ble Court may be pleased to direct the respondent No.2 to give suitable promotion to the applicant as per seniority in Commercial Department under Authority of the respondent No.2, during pendency of the present application".

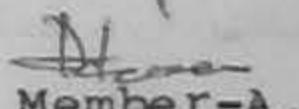
Hawa

2. Briefly stated, the applicant was working as a Booking Clerk at Jhinjhak Railway Station. By order dated 12.05.2005, he has been transferred from Commercial Department to Engineering Department. He is left with merely five to six years of service before superannuation.

3. Against this transfer order, which has filed a representation which is at Annexure 3 and this representation is self contained. We are of the view that without calling for counter, we may direct the respondents to consider and decide the representation of the applicant within a stipulated period of time. The reasons mentioned in para 5 of the O.A., may be taken into account while disposing of the representation. This O.A. itself may be treated as a supplementary representation from the applicant.

4. Under the circumstances, the instant O.A. is disposed of at the admission stage itself with a direction to the respondent No.2 to consider and decide the representation of the applicant with a reasoned and speaking order and while deciding they must certainly take into account all grounds mentioned in para 5 of the O.A. The entire exercise will be completed within a period of two months from the date of receipt of a copy of the order. Meanwhile the operation of the orders dated 12.05.2005 and 2.7.05 shall be kept in abeyance. No costs.


Member-J


Member-A.

Manish/-