

Item No.10



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 789/2021

This the 2nd Day of July, 2021

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Alok Kumar Gupta,
Sr. Section Engineer (Mech.),
Employee No.55129800202,
Residence:
A-604, Shatabdi Rail Vihar,
Plot No. B-9/4 Sector-62, Noida.

... Applicant

(Applicant in person)

Versus

1. Sh. Naresh Kumar,
Sr. Personnel Officer/GAZ,
Room No.327, Annex-I, Personnel Branch,
Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Sh. Yoginder Kumar Sahni,
Dy. Chief Mechanical Engineer (W&C),
Room No.139, Annex-I, Mechanical Branch,
Northern Railway, Headquarters Office, Baroda House, New Delhi.
3. Dy. Chief Personnel Officer (M&E),
Room No.321, Annex-I, Personnel Branch,
Northern Railway, Headquarters Office, Baroda House, New Delhi.
4. The Chief Personnel Officer (Admn.),
Room No.325, Annex-I, Personnel Branch,
Northern Railway, Headquarters Office, Baroda House, New Delhi.
5. The Chief Workshop Engineer,
Room No.130, Annex-I, Mechanical Branch,
Northern Railway, Headquarters Office,
Baroda House, New Delhi.

... Respondents

(By Advocate : Mr. Krishan Kant Sharma)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was working as Senior Section Engineer in the Northern Railways and was posted in the Headquarters. Through notice dated 08.02.2021, he was informed that he is transferred back to Parent Unit, i.e., Jagadhri Workshop, (JUDW) with immediate effect. He was also relieved from the Headquarters of Northern Railway on 17.02.2021. This OA is filed challenging the order dated 08.02.2021.

2. The applicant contends that though he is attached to the JUDW Workshop for the purpose of seniority and other aspects, he has been working in the Headquarters since 1992 even while keeping his lien in the workshop, and that there was absolutely no basis for transferring him at this stage. He further contends that a case relating to his LTC claim is pending in Delhi and it will be difficult for him to pursue the matter, if he is transferred to a workshop which is located in district Jagadhri, in the State of Haryana.

3. We heard the applicant, who argued his case in person and Sh. Krishan Kant Sharma, learned counsel for the respondents at the stage of admission.

4. It is no doubt true that the applicant was working in the Headquarters for about 20 years. The fact, however, remains that his services were being utilized outside the workshop, to which he actually belongs. The applicant has placed reliance upon The Industrial Relations Code 2020, which

Item No.10



mandates that no condition shall be modified to the detriment of an employee. In the instant case, the applicant is restored to his parent establishment. Therefore, the provision cited by him has no application. The plea as to the difficulty in pursuing the claim for the LTC is untenable. Even while working at the place where he is transferred, he can pursue the claim.

5. We, therefore, dispose of the OA granting fifteen days time to the applicant to join the duties to the place of posting. Within that time, no action shall be taken against him for not joining to the place, within the time stipulated in the impugned order.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/ns/akshaya/