



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 830 of 2021
M.A. No. 1080 of 2021**

This the 13th day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Shri Swaraj Chillar,
S/o Sh. Surender Singh Chillar,
Aged about 22 years,
Working as Sr. TE, Group 'C',
Under CTI, Northern Railway,
Delhi Division,
Delhi.

...Applicant

(By Advocate: Mr. Manjeet Singh Reen)

VERSUS

Ministry of Railway & Others: through

1. The General Manager,
Northern Railway,
Headquarter's Office,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi

...Respondents

(By Advocate: Mr. Krishan Kant Sharma)

ORDER (Oral)**Hon'ble Mr. R.N. Singh, Member (J):**

In the present application the applicant has challenged the order dated 22.03.2021 (Annexure A1) vide which the respondents have transferred the applicant from Delhi Division to Ambala Division.

2. Learned counsel for the applicant argues that the impugned transfer order is bad in law in view of the same being in contravention of the instruction dated 23.05.1967 of Railway Board as well as the judgment of this Tribunal in Jasbir Singh (Annexure A-8). He further argues that the applicant has made a representation dated 05.04.2021 (Annexure A-7) before the respondents against the aforesaid impugned transfer order. However the same has not been considered and disposed of by the respondents till date.

3. Issue notice. Shri Krishan Kant Sharma, learned counsel who appears for respondents on advance service accepts notice.

4. Learned counsel for the applicant at this stage submits that the applicant shall be satisfied if the present OA is disposed of with liberty to the applicant to make another supplementary comprehensive representation



before the respondents against the impugned order within three days from today and with a direction to the respondents to consider the applicant's aforesaid representation dated 05.04.2021 (Annexure A-7) along with the supplementary representation and dispose of the same by passing a speaking and reasoned order in a time bound manner and till then not to give effect to the impugned order. To such request of the learned counsel for applicant, there is no objection from the learned counsel for respondents. However, the learned counsel for the respondents adds that he is not aware as to whether the impugned order has been given effect or not.

5. In view of the aforesaid facts and circumstances, without going into the merits, the present OA is disposed of with liberty to the applicant to make a supplementary representation before the competent authority under the respondents within three days from today and the respondents are directed to consider the applicant's aforesaid representation (Annexure A-7) along with the supplementary representation, if preferred by him within the time stipulated herein by passing a reasoned and speaking order as expeditiously as possible and in any case within four weeks of receipt of copy of this order. It is further directed that if the impugned order has not been



given effect till date, the respondents shall not give effect to the same till passing of the speaking and reasoned order. The OA is disposed of in the aforesaid terms. Pending MA also stands disposed of accordingly. No cost.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/neetu/shilpi/