

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

(Through Video conferencing)



O.A/350/883/2021

Date of Order: 23.06.2021

**Coram:** Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Dillip Behera, son of Late Kapilendra Behera, aged about 36 years, working as Track Maintainer Gr. III under SSE (P.Way) Balasore, S.E. Railway/Kharagpur Division, resident of village and Post Office – Thalasad, District – Balasore, State Orissa – 756042.

--Applicant

-Vs-

1. Union of India, service through the General Manager, South Eastern Railway, Garden Reach, Kolkata – 700043.
2. The Sr. Divisional Personnel Officer, South Eastern Railway, Kharagpur Division, Kharagpur, Paschim Medinipore 721301.
3. The Sr. Divisional Engineer, South Eastern Railway, Kharagpur Division, Kharagpur, Paschim Medinipore 721301.
4. The Assistant Divisional Engineer, Balasore under S.E.Railway, Kharagpur, Railway Colony, Balasore, Odisha – 756001.

--Respondents.

For The Applicant(s): Mr. A. Chakraborty, counsel  
Mr. Argha Chakraborty, counsel  
Ms. P. Mondal, counsel

For The Respondent(s): Mr. R. K. Sharma, counsel

**ORDER (O R A L)**

Per: Dr. Nandita Chatterjee, Member (A):

Aggrieved with his transfer order, vide which the applicant has been transferred from Balasore, S. E. Railway Kharagpur Division to Rupsa Junction at Orissa, the applicant has approached this Tribunal praying for the following relief:

“a) Orders of Posting and Transfer being No. E/4/ dated 06.2021 and E/4/76 dated 16.06.2021 issued by the respondents with respect to the

*hag*

applicant to the extent of the posting and transfer of the applicant under SSE/PW/ROP are not tenable in the eye of law and as such the same should be quashed.

b) To allow the applicant to discharge his service in the promoted post of Track Maintainer -II at his present place of posting at Balasore under SSE (P.Way) Balasore, S.E. Railway/Kharagpur Division and to grant all consequential benefits.

c) To grant Costs and incidentals.

d) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii) above.

e) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.



3. Ld. Counsel for the applicant would submit that the applicant is working as Track Maintainer Gr. III under SSE (P.Way) Balasore, S.E. Railway/Kharagpur Division and, a promotional order to the post of Track Maintainer Gr. II was issued on 16.06.2021 (Annexure A-2 to the O.A) in which the applicant was transferred to Rupsa Junction at Orissa.

The applicant would allege that, his transfer order was issued without any application of mind; that his juniors as well as contemporary colleagues have been allowed to continue at the present place of posting on promotion; and, that, in the background of the fact that 13 number of staff from Balasore have been transferred to Rupsa Junction at Orissa to avoid excess of Track Maintainer -II at the Balasore Unit, his juniors should have been transferred to Rupsa Junction at Orissa instead of singling out the applicant invidiously and, that, the applicant, despite being senior, has not been allowed to be retained on promotion but has been transferred to a distant unit.


4. On perusal of records, however, it would transpire that despite issue of the transfer order on 16.06.2021, as impugned, the applicant has not represented against his transfer to the respondent authorities.

*Ans.*


5. The applicant is hence given liberty to prefer a comprehensive representation to the appropriate respondent authority ventilating his grievances against such transfer, within a period of 2 weeks from the date of receipt of a copy of this order. Upon receipt of the same, the addressee respondent authority or any other competent authority shall dispose of the same in accordance with law and in accordance with the extant transfer policies, within a period of 6 weeks from the date of receipt of such representation.

Till such time, if the applicant has not been released from his present place of posting, the applicant may not be released by the authorities. In the event, the applicant stands as relieved, no coercive action should be taken by the respondent authorities to compel him to join his transferred place of posting till the disposal of his representation.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.



(Nandita Chatterjee)  
Member (A)



(Bidisha Banerjee)  
Member (J)