

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1367/2020

Date of Order: 16.12.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Madan Mohan Podder,
Son of Late Nanda Lal Podder, Aged about 55 years,
Working as Station Superintendent/Naihati Yard
Under Eastern Railway/Sealdah,
residing Amlapara Road,
Post Office and Police Station – Bongaon,
North 24 PGS, West Bengal, Pin No. 743235.

..... Applicant.

-Versus-

1. Union of India,
Through the General Manager,
Eastern Railway, Fairlie Place, Kolkata – 700 001.
2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Sealdah, Kaiser Street, Kolkata – 700 014.
3. The Sr. Divisional Personnel Officer,
Eastern Railway, Sealdah Division,
DRM Office, Sealdah, Kolkata – 700 014.
4. The Sr. Divisional Operations Manager,
Eastern Railway, Sealdah Division, Sealdah,
Kolkata – 700014.
5. Mr. V.K. Singh,
SM(G)/SDAH and the fact-finding Inquiry Officer,
Service through the Sr. Divisional Operations
Manager, Eastern Railway, Sealdah Division,
Sealdah, Kolkata – 700014.
6. Mr. Sandip Sarkar,
The then Chief Yard Master, Naihati Yard,
Eastern Railway, Gopikrishna Goswami Road,
Bhatpara, Jagatdal, District – North 24 Parganas,
West Bengal – 743123.
7. Mr. Mahitosh Mallick,
The SS/NH-Yard, Eastern Railway,
Gopikrishna Goswami Road, Bhatpara, Jagatdal,
District – North 24 Parganas, West Bengal – 743123.

..... Respondents.

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

For The Respondent(s): Mr. N. D. Bandyopadhyay, counsel



ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld counsel for both sides.


2. This application has been filed to seek the following reliefs:

"8.a) Impugned Office Order No. 04/Dec/OPTG/E-2 dated 08.12.2020 issued by the respondent No. 3 against the applicant (that had been received through Whatsapp sent by the respondent No. 6) is not tenable in the eye of law and as such the same may be quashed.

b) To grant all consequential benefits.

c) Costs and incidentals.

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



3. The applicant has challenged the transfer order dated 08.12.2020 whereby he has been transferred from SS/NH Yard to SS/LGL on administrative ground, as is evident from the order dated 08.12.2020. Ld. counsel for the applicant states that the transfer was issued while the applicant was placed under suspension, along with another employee, as a result of some heated altercations. The suspension order was issued on 12.10.2020. Although the suspension in regard to other employee has been revoked, ^{the} applicant has been continuing on suspension and therefore the transfer issued while in suspension and without revocation is bad in law.

4. Ld. counsel for the applicant would allege that it is a penal transfer and has been issued as a measure of penalty. However, applicant has represented to the Sr. DPO, E. Rly. Sealdah seeking recalling of the transfer order, since it has been issued during the suspension period, and the same is yet to be disposed of.

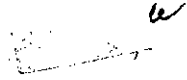
5. Ld. counsel for the applicant also alleged that the transfer order was not routed through a placement committee, therefore it was bad.

6. Since legal issues have been raised, the correctness of the transfer during suspension is under challenge, I dispose of the O.A with a direction upon the

Sr. DPO or any other competent authority to look into the representation and dispose it of in accordance with law, within 4 weeks from the date of receipt of a copy of this order.

7. Till such time, respondents are directed not to compel the applicant to join the place of transfer.

8. This OA accordingly stands disposed of. No costs.


(Bidisha Banerjee)
Member (J)

