

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

original Application No. 1480 of 2002.

this the 19th day of December 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

N.M. Dubey, aged about 58 years, S/o late B.P. Dubey, Chief
Yard Master, N.R. Bareilly.

Applicant.

By Advocate : Sri R.D. Agrawal.

Versus.

1. Union of India through the General Manager, N.R.,
Baroda House, Headquarters office, New Delhi.
2. Divisional Railway Manager, N.R. Moradabad.
3. The Station Manager, N.R., Bareilly Jn. Bareilly.

Respondents.

By Advocate : Sri A.K. Gaur.

ORDER (ORAL)

JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A., the applicant has challenged the order dated 25.6.2002 by which the applicant's transfer from Bareilly to Roza has been suspended for a period of six months. The counsel for the applicant has submitted that the applicant is still suffering from fetal disease of 'Hepatitis B' in chronic stage and is unable to move-out from Bareilly. It is submitted by the applicant that he is being treated at G.B. Pant Hospital, New Delhi since July, 2001. Before coming to this Tribunal, the applicant filed a representation on 15.11.2001 before the DRM, N.R., Moradabad, which is stated, ^{18/11/01} ~~to be~~ pending and the same has not been decided sofar. The fact of illness of the applicant has been accepted by the respondents vide order dated 25.6.2002. There cannot be any doubt that 'Hepatitis-B' is a serious disease. In the

circumstances, the respondents are required to consider whether the applicant ~~as he~~ is physically fit to join at the transferred place, ^{but} no such findings has been recorded as yet.

2. In the facts and circumstances of the case, the O.A. is finally disposed of with the direction to the D.R.M., N.R., Moradabad to consider and decide the representation of the applicant by a reasoned and speaking order within a period of six weeks from the date of copy of this order is filed before him. For a period of six weeks or till the representation is decided by the respondents, which ever is earlier, the applicant shall not be forced to join at the transferred place. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN

GIRISH/-