

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of July, 2004.

Original Application No. 724 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

1. Nirmal Kumar Sinha S/o Sri Nagendra Kumar Sinha
2. Yogesha Nand S/o Late Joginder Prasad Singh

Both working as Dy. Chief Train Controller,
N.E. Rly., Gorakhpur.

.....Applicants

Counsel for the applicant :- Sri S.K. Om

V E R S U S

1. Union of India through Secretary,
Railway Board, Rail Bhawan, New Delhi.
2. General Manager, N.E. Rly., Gorakhpur.
3. Chief Operating Manager, N.E. Rly., Gorakhpur.
4. General Manager (Personnel),
East Central Railway, Hazipur.
5. Chief Personnel Officer, N.E. Rly., Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

The applicants, who have been working on the post
of Dy. Chief Train Examiner in the pay scale of
Rs. 6500-10500 at Central Control, Gorakhpur having their
lien in Sonepur Division of North Eastern Railway (N.E.R.),
have been transferred by the impugned order dated 27.06.2003
(Annexure- 5) to East Central Railway on the same post
and in the same grade. It is not disputed that prior to

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30.04.2003 the Sonepur Division was one of the five divisions of N.E. Rly. but as a result of re-organisation of Zones, Sonepur Division of N.E. Railway was transferred to East Central Railway. The Railway Board by means of letter No. E (NG)I-96/TR/36 dated 06.12.1996 called for options from the staff serving at the Headquarter for the new Railway Zones. The applicants submitted their options to serve in the N.E. Railway. The Railway Board by means of subsequent letter RBE No. 100/2002 dated 09.07.2002 made certain clarifications with regard to earlier letter dated 06.12.1996 modified by the subsequent letters dated 21.03.1997, 19.08.1997, 20.08.1997, 05.05.1997, 23.07.1997, 13.11.1997, 31.03.1998 and 26.05.1998. The cut off date earlier fixed was extended till 10.09.2002 with a stipulation that those who exercised their option after the cut off date, they would be transferred on their ~~request~~ request. The applicants, it is alleged, reiterated their options to remain ^{and} serve in the N.E Railway. Despite all these, the applicants have been transferred to East Central Railway by means of the impugned order which is sought to be quashed on the ground that it is without jurisdiction inasmuch as the G.M (P), N.E. Railway has no jurisdiction to transfer an employee out-side the zone.

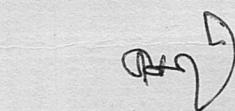
2. The submissions made by the counsel carry ⁸ substance and have been supported from the decision of the Tribunal passed in O.A 1142/99 Rakesh Kumar Malviya Vs. U.O.I & Ors.. The record shows that by means of letter dated 17.06.2003 (Annexure- 4) the matter was referred to the Secretary (Estt.) (NG), Railway Board, New Delhi for taking decision in the matter of options of all the employees working in the Sonepur Division and Samastipur Division. It is alleged that no decision has been taken by the Railway Board as yet in the matter. In the circumstances,

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therefore, in my opinion, the impugned order dated 27.06.2003 cannot be sustained.

3. Accordingly the O.A succeeds and is allowed. The impugned order dated 27.06.2003 is quashed with liberty reserved to the Railway Board to pass such an order as it may deem fit and proper having due regards ^{with reference to} to the options given by the applicants.

4. Parties to bear their own costs.


Vice-Chairman.

/Anand/