

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of July, 2004.

Original Application No. 725 of 2003.

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

1. Baleshwar Singh S/o Late Indra Deo Singh

2. Shambhu Nath S/o Brij Raj Prasad

3. Y.P. Singh S/o Late G.S. Singh

All working as Chief Travelling Ticket Inspector in CCM Squad, N.E. Railway, Gorakhpur.

4. Prakash Chandra Sharma S/o Shiv Dutt Sharma
Working as Travelling Ticket Examiner Gr. A in
CCM Squad, N.E. Rly., Gorakhpur.

.....Applicants

Counsel for the applicants :- 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 Commercial Manager, N.E. Rly, Gorakhpur.

4. General Manager (Personnel), Personnel Officer,
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 Chief Travelling Ticket Inspector and Travelling Ticket Examiner Gr. A in the pay scale Rs. 6500-10,500/- and 5000-8000/- respectively at Central Control, Gorakhpur having their lien in Sonepur ✓ Division of North Eastern

R.P.S.

Railway (N.E.R), have been transferred by the impugned order dated 25.06.2003 (Annexure- 5) to East Central Railway on the same post and in the same grade. It is not disputed that prior to 30.04.2003 the Sonepur Division was one of the five divisions of N.E. Railway 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 options after the cut off date, they would be transferred on their request. The applicants, as is alleged, reiterated their options to remain ~~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 substance and have been supported from the decision of the Tribunal passed in O.A No. 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.

R&J

It is alleged that no decision has been taken by the Railway Board as yet in the matter. In the circumstances, therefore, in my opinion, the impugned order dated 25.06.2003 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~~ ^{to} reference to the options given by the applicants.

4. Parties to bear their own costs.

RAJ
Vice-Chairman.

/Anand/