

30

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH : CUTTACK.

O.A. No.164 OF 1988

AND

O.A. NO.244 OF 1988.

DECIDED ON - DECEMBER 13, 1989.

In O.A.No.164 of 1988.

1. Ardhendu Patnaik, s/o late M.R.Patnaik
Station Master, Motari Railway Station,
P.O. Motari, Via- Delang, Dist-Puri.
2. Nimai Charan Mohanty, s/o late G.B.Mohanty
Station Master, Motari Railway Station,
P.O. Motari, Via- Delang, Dist-Puri.
3. Tapan Kumar Panda, s/o Late Ananda Panda,
Station Master, Delang Railway Station,
P.O. Beraboi, Dist- Puri.
4. M. Babu Rao, s/o M. Tatayya,
Station Master, Kaipadar Road
Railway Station, P.O. Kaipadar,
District-Puri.
5. Dola Govinda Ratha, s/o Harihara Ratha,
Station Master, Khurda Road Railway Station,
P.O. Khurda Road R.S.
C/o Ch.D.T.I., Khurda Road,
District-Puri.
6. S.C. Mohanty, s/o U.C.Mohanty,
Station Master,
Delang Road Railway Station,
P.O. Baraboi, Dist-Puri.
7. Trilochan Tripathy, s/o D.C.Tripathy,
Station Master, Khurda Road Railway Station,
C/o Ch.D.T.I., Khurda Road, P.O.Khurda Road R.S.,
District-Puri.

31

8. Batakrushna Das, s/o Late J.K.Das,
Station Master, Bhadra Railway Station,
P.O. Bhadrak, District-Balasore.
9. P.R. Maharana, s/o late L.N.Maharana
Station Master, Golantara Railway Station,
P.O. Golanthra, District- Ganjam.
10. D.N. Rao, s/o D.K. Rao,
Station Master, Tapanga Railway Station,
P.O. Tapanga, District-Puri.

Sl.Nos. 4, 5, 8, 9 and 10 have been expunged
vide order No.4 dated 14.7.88.

.... Applicants.

Versus.

1. Union of India, represented through its
General Manager, South Eastern Railway,
Garden Reach, Calcutta.
2. Divisional Railway Manager,
South Eastern Railway,
Khurda Road Division, Khurda Road,
District-Puri.
3. Senior Divisional Operating Superintendent,
South Eastern Railway, Khurda Road Division,
Khurda Road, District-Puri.
4. Divisional Personnel Officer,
South Eastern Railway,
Khurda Road Division,
Khurda Road,
District-Puri.

.... Respondents.

For Applicants - M/s. P. Palit, B.Mohanty,
S.K.Sangneria and
A.K. Kanungo.

For Respondents - Mr.

For Respondents - Mr.R.Ch. Rath, Standing Counsel(Railways)

In O.A.No.244 of 1988.

Prakash Kumar Dash, s/o Ram Chandra Dash
Station Master, Motari Railway Station,
At/P.O. Motari, Via-Delanga, Dist-Puri.

.... Applicant

Versus.

1. Union of India represented through its
General Manager, South Eastern Railway,
Garden Reach, Calcutta.
2. Divisional Railway Manager,
South Eastern Railway,
Khurda Road Division, Khurda Road,
District-Puri.
3. Senior Divisional Operating Superintendent,
South Eastern Railway, Khurda Road Division,
Khurda Road, District-Puri.
4. Divisional Personnel Officer,
South Eastern Railway,
Khurda Road Division, Khurda Road,
District-Puri.

.... Respondents

For Applicant ... M/s. P. Palit, B.Mohanty, A.K.
Kanungo and D.P.Dhalsamant

For Respondents ... M/s. Bijoy Pal and O.N.Ghosh

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE- CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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33

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T.

B.R. PATEL, VICE-CHAIRMAN.

In these two cases, the points raised and the questions of law involved are same. Therefore, both the cases have been heard analogously and this common judgment will govern both the cases. In O.A.No.164 of 1988 there are ten applicants, of whom, applicant Nos. 4, 5, 8, 9 and 10 have been expunged vide order No.4 dated 14.7.88. In O.A.No.244 of 1988 there is one applicant. The applicants in both the cases have sought the following reliefs :

- i) to pass orders quashing Annexures-2 and 3 in O.A.No. 164 of 1988 and Annexures- 2, 3 and 6 in O.A.No. 244 of 1988 ; and
- ii) to issue a direction to the respondents to redraw the restructuring scheme and to reconsider the transfers and postings of the applicants.

Annexure-2 in O.A.No.164 of 1988 relates to sanction of the Divisional Railway Manager to the redistribution of posts in Operating Department. Annexure-3 in the same case is the copy of the order of postings and transfer in which the applicants are involved. Annexure-2 in O.A.No.244 of 1988 refers to the distribution of posts in the Operating Department, Annexure-3 is the modified orders of postings and transfers and Annexure-3

34

refers to modified orders of postings and transfers. The applicant in O.A.No.244 of 1988 is a Station Master, at present posted to Motari Railway Station, and he has been transferred to Ghantikhal Railway Station of South Eastern Railway. Out of 10 applicants in O.A.No.164 of 1988 relief has since been afforded to five applicants. The remaining applicants, namely, applicant Nos.1, 2 and 7 have been transferred to other Stations whereas the applicant Nos.3 and 6 have been posted to different establishment in the same station.

2. The respondents have maintained in their counter affidavits that the transfers and postings are administrative matters and the competent authority has issued the impugned orders taking into account the administrative needs and as such there is no scope for the Tribunal to interfere with ~~the~~ ^{order}.

3. We have heard Mr. Palit, learned counsel for the applicants in both the cases and Mr. B.Pal, learned Senior Standing Counsel for the Railway Administration in O.A.No.244/88 and Mr. R.Ch.Rath, learned Standing Counsel for the Railway Administration in O.A.No.164/88 and have gone through the papers carefully. Mr. Palit after referring to the scheme of restructuring has submitted that the cases of the remaining applicants i.e. applicant in O.A.No.244/88 and the remaining applicants in O.A.No.164/88 should be ^{reconsidered} ~~be~~ taking into account their convenience as well as the needs of the administration.

Mr. Pal and Mr. Rath drew our attention to the counter affidavits filed by the Railway Administration and have submitted that the cases of the applicants as of others involved in the scheme of restructuring have been duly considered by the administration and there is no further scope for opening their cases.

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4. After having heard the learned counsels for the applicants and the Railway Administration, we have come to the conclusion that since the scheme of restructuring has been introduced only recently, there is a case of reconsidering the transfers and postings of the applicants. We would, therefore, direct that the applicant in O.A.No.244/88 and the remaining five applicants, namely, applicant Nos.1, 2, 3, 6 and 7 in O.A.No.164/88 should make fresh representations for reconsideration of their cases by the department within a fortnight from today and the Railway Administration should consider their cases within eight weeks thereafter. In the meantime, the applicants should not be disturbed from their present places of postings.

5. Both the applications are accordingly disposed of, leaving the parties to bear their own costs.

.....*[Signature]* 13.12.89
VICE - CHAIRMAN

N. SEN GUPTA, MEMBER (JUDICIAL) .

I agree.



Central Administrative Tribunal,
Cuttack Bench, Cuttack,
December 13, 1989/ Jena, SrPA.

.....*[Signature]* 13.12.89
MEMBER (JUDICIAL)