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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.181 of 1989.

Date of decision : December 6,1989.

Prafulla Kumar Maharana, aged 29 years, son of
Madhusudan Maharana, of village Badgaon, P.O.
Ohal, Via-Bamanal, P.S.Nimapada, Dist-Puri at
present Guard, Bandamunda Railway Station
Chakradharpur Division, S.E.Rly,
C/o Chief Yard Master, Bandamunda, Sundargarh,
Orissa.

...

Applicant.

versus

1. Union of India, represented by
Divisional Personnel Officer,
South Eastern Railway, Chakradharpur,
Singhbhum, Bihar.
2. Senior Personnel Officer (P&T),
South Eastern Railway,
Garden Reach, Calcutta-43.
3. Pradip Kumar Mishra, Guard
Bandamunda, South Eastern Railway,
Chakradharpur Division, C/o Chief Yard
Master, Bandamunda, S.E.Rly, Sundargarh,
Orissa.
4. Nilamani Bhuiyan, Guard,
Bandamunda, S.E.Rly, Chakradharpur Division,
C/o Chief Yard Master, Bandamunda,
S.E.Rly, Sundargarh, Orissa.

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Respondents.

For the applicant : M/s. Devashis Panda,
G.C. Mohapatra,
R.K. Badajena,
Miss. D.R. Nanda, Advocates.

For the respondents : M/s. B. Pal,
O.N. Ghosh, Advocates.

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C O R A M:

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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.

JUDGMENT

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B.R.PATEL, VICE-CHAIRMAN, The applicant in this case is a Railway Guard posted to Bandamunda Railway Station which is under Chakradharpur Division of South Eastern Railway. He has been trying on his own for a transfer from Chakradharpur Division to Khurda Road Division of the same Railway, on the ground that he has his old and ailing parents of whom as a son he is requited to look after. According to the applicant, he applied to the competent authority in 1986 but the Divisional Personnel Officer, Chakradharpur did not forward the application to the Senior Personnel Officer, at Garden Reach, Calcutta, who is the competent authority to consider his case. The applicant thereafter made a second application on 23.1.1987 but the Divisional Personnel Officer replied that his case would be considered only after he has completed 3 years at Bandamunda. On 20.4.1988 the applicant made a further application on completion of three years which was forwarded by the Respondent No.1 to the Divisional Railway Manager, Khurda Road for comments. The relief sought, as has been stated above, is to direct the respondents to transfer the applicant from Bandamunda Railway Station, Chakradharpur Division to Khurda Road Division.

2. The respondents in their counter have maintained that this is a matter for the administration to decide and the Tribunal should not interfere. They have further said that the case is not maintainable at all inasmuch as the Divisional Personnel Officer, South Eastern Railway cannot represent the Union of India. It is only the General Manager, South Eastern Railway who could represent the Union of India.



3. We have heard Mr.G.C.Mohapatra, learned counsel for the applicant and Mr.B.Pal, learned Senior Standing Counsel for the Railway Administration and perused the papers. Mr.Mohapatra has urged that two persons who were junior to the applicant in the cadre of Guards have since been transferred to Khurda Road Division and even though the applicant had applied earlier than Respondents 3 & 4, his case has not been considered. Mr.Pal on the other hand, has drawn our attention to the following lines in paragraph 2 of the counter.

" The Divisional Personnel Officer, South Eastern Railway, Chakradharpur in his letter No.E6/36TN/ Inter Rly. dated 4.12.86 did not agree to the applicant's request to transfer him from Chakradharpur Division to Khurda Road Division. This was intimated to the applicant through the Chief Yard Master, Bondamunda. "

And in view of this it was not necessary for the Respondent No.1 to forward the application to the Senior Personnel Officer, Garden Reach. In paragraph 3 of the counter it has been mentioned further that on 20.4.1988 the Chief Yard Master, Bondamunda forwarded the applicant's fresh application for transfer to Khurda Road Division which was again taken up by the competent authority and the same was forwarded to the Divisional Railway Manager, Khurda Road, for ascertaining whether it was possible to accommodate the applicant in Khurda Road Division and this matter is still engaging the attention of the authorities of Khurda Road Division and the application of the applicant has not yet been disposed of. In view of this, Mr.Pal has submitted that the application is rather premature and the applicant should have waited for the decision of the Khurda Road Division, as it involves inter-divisional transfer the authorities of both the Divisions i.e.

Ans

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Khurda Road Division and Chakradharpur Division have to consult each other and have to find out whether there is vacancy to accommodate the applicant. We agree with Mr. Pal that this is an administrative matter ^{for} and the authorities to decide and we do not like to interfere. However, we would like to ^{direct} ~~say~~ that since the representation of the applicant has been pending with the authorities for quite some time, the decision be ^{should} ~~be~~ taken on the application of the applicant within two months from the date of receipt of a copy of this judgment.

4. This application is accordingly disposed of leaving the parties to bear their own costs.

Arundhati
Vice-Chairman

N. SENGUPTA, MEMBER (J),

I agree.



N. Sengupta
6.12.89
Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 6, 1989/Sarangi.