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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application Nos. 605/93, 628/93, 529/93,
192/94 and 215/ 94.

Cuttack, this the 17th day of August, 1994.

In OA 605/93 S.K. Rao and others ... Applicants.

Versus

Union of India and others ... Respondents.

In O.A. 628/93 E. Sankar Rao ... Applicant.

Versus

Union of India and another ... Respondents.

In O.A. 629/93 Y. Jagannadham and others ... Applicants.

Versus

Union of India and others ... Respondents.

In O.A. 192/94 M. Satyanarayan ... Applicant.

Versus

Union of India and another ... Respondents.

In O.A. 215/94 Smt. B. Kusuma Kumari ... Applicant.

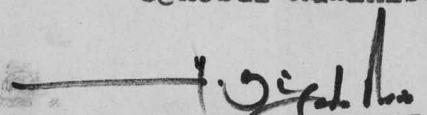
Versus

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? *NO*

2. Whether it be circulated to all the Benches of the
Central Administrative Tribunals or not ? *NO*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

17 Aug 94 .


(D.P. HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application Nos. 605/93, 628/93, 629/93,
192/94 and 215/94.

Cuttack, this the 17th day of August, 1994.

CORAM:

THE HON'BLE MR.JUSTICE D.P.HIREMATH, VICE-CHAIRMAN

A N D

THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER(ADMN.)

In O.A.605/93 1. S.Krishna Rao, s/o S.Mallayya,
Khalasi EFO/OHE/Com.S.E.Railway
Visakhapatnam.

2. A.Chandrayya, s/o Somayya,
Khalasi, E.F.O./G/Con.S.E.Rly.
Visakhapatnam, A.P.
3. I.Bandelu, s/o Simanchalam, Khalasi,
Office of DeputyC.E.E./Con./S.E.Rly.
Visakhapatnam.
4. M.Sannibabu s/o Chinnayya,
Khalasi, E.F.O./O.H.E./Con., S.E.Rly.
Visakhapatnam.
5. Sonamathi wife of late Ramu,
Khalasi, Office of Dy.C.E.E./Con.
S.E.Rly, Visakhapatnam.
6. K.Appa Rao s/o Guruvulu,
Khalasi, E.F.O./O.H.E./Con.
S.E.Rly, Visakhapatnam.
7. K.Manikyam wife of late Sambasiva Rao,
Khalasi, E.F.O./O.H.E./Con., S.E.Rly.,
Visakhapatnam.
8. V.Suryanarayana s/o Narayana,
Khalasi, E.F.O./O.H.E./Con. S.E.Rly.
Visakhapatnam.
9. A.Lalitha, daughter of V.S.N.Murty,
Jr.Clerk Office of the Dy.C.O.S./Con.,
S.E.Rly, Visakhapatnam.

...

Applicants.

By Advocate sM/S.G.A.R.Dora,
V.Narasinhg.

Versus

1. Union of India, through the Chief Administrative Officer, Projects, S.E.Rly, At-Chandrasekharpur, Bhubaneswar Dist. Khurda.
2. Chief Project Manager, Construction, S.E.Rly, Visakhapatnam, Andhra Pradesh.
3. Deputy Chief Electrical Engineer, (Construction), S.E.Rly, Visakhapatnam, Andhra Pradesh.

...

Respondents.

By Advocate Shri D.N. Misra,
Standing Counsel (Railways).

In O.A. 628/93

E. Sankar Rao s/o late Satyanarayan, O.S. Gr.I.,
Office of the Dy.CEE/Construction, S.E.Railway,
Visakhapatnam, (A.P.).

...

Applicant.

By Advocates M/s G.A.R. Dora,
V. Narasimh.

Versus

1. Union of India through the Chief Administrative Officer, Project, S.E.Railway, At.Chandrasekharpur, P.O. Bhubaneswar, Dist-Khurda.
2. Chief Project Manager (Con), S.E.Railway, Visakhapatnam, (A.P.).

...

Respondents.

By Advocate Shri D.N. Misra,
Standing Counsel (Railways)

In O.A. 629/93

1. Y. Jagannadhan s/o Balaram Fitter, Gr.III, Office of the EFO/O. H. E/C., S.E.Railway, Visakhapatnam.
2. K. Appa Rao s/o Appalaswamy, Hammer Man, Office of the E.F.O./C.E/C.S.E.Railway, Visakhapatnam.
3. R. Eurya Rao s/o Tirupati Rao, Khalasi Office of the E.F.O./G. S.E.Railway, Visakhapatnam.

...

Applicants.

By Advocates M/s. G.A.R.Dora,
V.Narasinhg.

Versus

1. Union of India through the Chief Administrative Officer, Project, S.E.Railway, At-Chandrasekharpur, P.O.Bhubaneswar, Dist-Khurda.
2. Chief Project Manager(Construction), S.E.Railway, Visakhapatnam.
3. Dy.Chief Electrical Engineer, (Construction) S.E.Railway, Visakhapatnam.

... Respondents.

By Advocate Shri D.N.Misra,
Standing Counsel(Railways)

In O.A.192/94

M.Satyanarayan, s/o late Ch.Chinnababu,
Head Clerk, office of the Sr.Project
Manager, S.E.Railway, Visakhapatnam(A.P.)

... Applicant.

By Advocates M/s. G.A.R.Dora,
V.Narasinhg.

Versus

1. Union of India, through the Chief Administrative Officer, Project, (Survey and construction), S.E.Railway, At.Chandrasekharpur, P.O.Bhubaneswar, Dist-Khurda.
2. Sr.Project Manager,
Office of the Chief Project Manager,
S.E.Railway, Visakhapatnam(A.P.).

... Respondents.

By Advocate Shri D.N.Misra,
Standing Counsel(Railways).

In O.A.215/94

Smt. B.Kusuma Kumari aged about 46 years,
w/o B.Eswara Rao, Sr.Clerk, Office of the
Dy.C.S.T.E.(C) Hq.S.E.Railway, Visakhapatnam.
(AP)

...

Applicant.

By Advocates M/s. G.A.R.Dora,
V.Narasinhg.

Versus

1. Union of India, through the Chief Administrative Officer, Project (Survey and Construction) S.E. Railway, At. Chandrasekharpur, P.O. Bhubaneswar, Dist-Khurda.

2. Chief Signal & Telecom Engineer, (Construction), S.E. Railway, At-Chandrasekharpur, P.O. Bhubaneswar, Dist-Khurda.

3. Dy. Chief Signal & Telecom Engineer, (Construction) S.E. Railway, Visakhapatnam (A.P.) ... Respondents.

By Advocate Shri D. N. Misra,
Standing Counsel (Railways).

O R D E R

D.P. HIREMATH, V.C., All these applicants in these applications have challenged a similar order with regard to their transfer from Visakhapatnam to some other Projects in Orissa on the ground that the respondents ought to have transferred the juniormost in the cadre on the principle of 'last come first go' and also in keeping with the Railway Board's direction which has got the statutory effect as held by the Supreme Court in the case of Railway Board vrs. P.R. Subramaniyam reported in AIR 1978 SC 284.

2. Inter alia the respondents have contended that these transfer orders have been kept in abeyance and that efforts are being made to transfer the lien holders either to the parent cadre or to the other Projects if they are willing and that after exhausting the lien holders, the juniormost permanent construction reserve employees to be transferred to other Projects along with

their posts. This is precisely the grievance of the applicants inasmuch as according to them the juniors among them are not touched when they are transferred. In view of this rethinking on the part of the respondents for keeping the present transfers impugned in abeyance, it would be proper for the Tribunal to direct that the respondents shall work out their transfer policy in conformity with the averments made in para 11. In view of these ^{submissions} premises, the petitioners should have no grievance as far as the present transfers impugned are concerned.

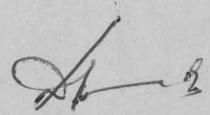
3. With these observations and directions these petitions are disposed of. It is further directed that the present transfers in impugn in these applications are cancelled and the respondents ^{may} ~~shall~~ effect transfer in pursuance to the policy that is being evolved as stated above.

4. This order is made after hearing Mr. G. A. R. Dora, learned counsel for the applicants and Mr. D. N. Misra, learned Standing Counsel (Railways) for the respondents.

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 (H. RAJENDRA PRASAD)
 MEMBER (ADMINISTRATIVE)

17 Aug 94.

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 (D. P. HIREMATH)
 VICE-CHAIRMAN.

S. Sarangi/