

| Serial<br>No. &<br>Order | Date of<br>Order | Order with Signature   | Office note as to<br>action ( if any )<br>taken on order |
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| 9                        | 19-4-96          | <p>In this application, eight applicants, who have joined together for a common cause of action, pray for quashing their transfer from Survey &amp; Construction (SCC) Project, Visakhapatnam, to Bhubaneswar as per Annexure-A/1. Immediately thereafter, on presentation of this application on 18.9.1995, operation of Annexure-A/1 was stayed for a period of four weeks and the said interim order of stay continued thereafter. Annexure-A/1 is a direction by the Chief Electrical Engineer (Construction), Bhubaneswar (Respondent No.2) (Respondent No.3) to the S.P.O.(C), S.E.Railway, Visakhapatnam, to transfer the applicants and post them to work at Bhubaneswar.</p> <p>It is not necessary to go into the entire background of the case or to examine each and every point. Suffice it to say that Respondents themselves have realised as per paragraph 9 of their counter that the intended transfer will be violative of the norms prescribed by this Tribunal in OA No.628/93 (disposed of on 17.8.1994) that unless the Open Line lien-holders are repatriated to their respective parent Departments or transferred to the other Construction Units, the applicants, who are permanent Construction Reserved Staff shall not be disturbed. On bringing this order of the Tribunal to the notice of the Chief Electrical Engineer (Respondent 2), no follow-up action has been taken following the impugned letter (Annexure-A/1). Shri D.N.Misra, learned counsel for the Respondents, submits that Annexure-A/1 is an internal correspondence and it has not fructified into a proper</p> |  |

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|                           |                  | <p>order commanding the applicants to be relieved from their jobs at Visakhapatnam. This may be true as far as it goes to show, but the fact remains that the Chief of the Unit, i.e. the Chief Electrical Engineer (Respondent 2) has directed the transfer of the applicants, but for the order of stay passed by this Tribunal the transfer might have materialised. Thus the applicants' case virtually stood redressed by the Chief Electrical Engineer himself after realising that the intended transfer cannot materialise. As the applicants' grievance already stands redressed by the counter-affidavit filed by the Respondents, there is no need to go into other merits. In view of the above, the application is disposed of and as the applicants' claim has been allowed by the Respondents, technically this application stands allowed.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p>MEMBER (ADMINISTRATIVE)</p> | <p><i>Received Apr 1996<br/>for Dated 19-1-96<br/>by Respondent<br/>S. P. 25/4/96</i></p> |