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(A) GA-214/96

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Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
16	4.12.96	<p>Heard Shri Ashok Mohanty, learned Standing Counsel for the Respondents. No one is present for the applicant when called.</p> <p>In this Application, the prayer of the applicant is to quash the order dated 28.2.1996 under Annexure-3 passed by the S.D.P.O., S.E.Railway, Khurda in view of the circular under Annexures-1 and 2. Under Annexure-3, the applicant is transferred in his existing capacity and scale of pay as Station Manager, JJKR against existing vacancy. The grievance of the applicant is that he would retire from service on 31.1.1998 and hardly one year and eight months are left. He cited an instruction of C.P.O. Communicated under letter No.P-R-Con-TR dated 10.6.1981 under which the persons having one or two years of service should be exempted provided there are no serious allegations against them. The applicant is a member of the Scheduled Caste. He cites Establishment Serial No.22/86 by which the transfer of SC/ST employees should be confined to the native stations and adjoining districts or places where the administration can provide quarters.</p> <p>Learned Standing Counsel pointed out relying on the counter-affidavit that the applicant's native place is at Matiar in the district of Nadia of West Bengal. Therefore, the instructions under Annexure-1 has no relevance. He pointed out that the applicant was posted as Station Superintendent-II at Puri on 16.5.1991 and was subsequently promoted at Puri as Station</p> <p>...</p>	<p>for hearing. Patra 13/11 Bench</p> <p>for hearing. Patra 22/11 Bench</p> <p>for hearing. Patra 31/12 Bench</p>

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..	4.12.96	<p>Manager-I. The post of Station Manager, it is stated in the counter-affidavit at page-2, para-11 is a Supervisory post and belongs to safety category. It has also been identified as a sensitive post. According to the Railway Establishment Sl.No.273/89, there is a time-limit for retention of persons holding the sensitive posts. It is also submitted that there is quarter facility at JJKR Railway Station and the applicant will be provided with a quarter as soon as he joins at that station.</p> <p>On 26.11.1996, this matter was argued by both by the applicant's counsel and the Respondents' counsel. The applicant's counsel mentioned that the applicant would file a representation before the D.R.M., S.E.Railway, Khurda highlighting the instructions of the CPO communicated under letter No.P/R/Con/Tr. dated 10.6.1981 which states that persons having one or two years of service should be exempted provided they do not have serious allegations against them. There is no information furnished to the Court that this representation has been filed. The Standing Counsel has also no information that such a representation has been filed. In this view of the matter, this Original Application shall be disposed of on merits.</p> <p>The applicant belongs to Class-I service in a Senior supervisory cadre. He is also holding a sensitive post. A Station Manager's post is quite important for the railway administration. It is stated that he is in charge of operations as well as safety. It is entirely in the realm of</p> <p>..</p>	

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	4.12.96	<p>discretion of the Respondents to consider stay in lieu of his impending retirement. Senior Officers cannot press into service rules which are more properly applied to junior officials in Group C and D. Transfer to such officials a year or two before retirement would cause problem in shifting and problems connected with rehabilitation. Holding a senior officer's post, the applicant cannot complain of that. That apart, it is clearly mentioned that the applicant has been provided with an accommodation in JJKR Railway Station and the distance between JJKR and Puri is not far. I do not see any merit in this application. The Application is dismissed. No costs.</p> <p><i>[Signature]</i> MEMBER (ADMINISTRATIVE)</p>	<p>Free copy of the order dt. 4.12.96 given to the counsels for both sides.</p> <p><i>[Signature]</i> 10/12 10.12.96 S.O.</p> <p>Received copy of order dt 4.12.96 on behalf of Mr. A. Mohanty, Srsc Smt. Ramani / <i>[Signature]</i> 10/12/96</p> <p>Record copy of order on 11/12/96</p>