

(A)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CUTTACK BENCH, CUTTACK**

O.A./T.A./B.A. No..... 661..... 1996

Swapan Sarkar..... Applicant(s)

Versus  
U.O.I. Govt..... Respondent(s)

Sr. No.	Date	Order with Signature
	10.9.96 q/b	<p style="text-align: center;">REGISTER</p> <p style="text-align: center;">S Registrar</p>
2.	11.9.96.	<p>Heard Shri G.A.R. Dora, learned counsel for the applicant. Perused the averments made in the application. The prayer in this application is to quash the impugned order of transfer from Cuttack to Tapang by order No.77 of 1996 dated 13.8.1996 vide Annexure-3 passed by the respondent No.2 Divisional Railway Manager (P), S.E.Railway, Khurda Road.</p> <p>The applicant states that he was transferred once in every year and he had faced three transfers in course of 3 years and the third transfer order is impugned here. He admitted his child in D.A.V.School at Cuttack. He states that his wife is a heart-patient. He draws my attention to the</p> <p style="text-align: right;">DPO for Rs 50/- has been filed. D 10/9/96.</p> <p style="text-align: right;">For Regn P. D 10/9/96 10.09.96 SOLG Registrar</p> <p style="text-align: right;">For Admn. &amp; S 10/9/96 Bench.</p>

Serial No. of Order	Date of Order	Order with Signature
2. dt. 11.9.96 continued.		<p>Railway Board's Circular No.E(NG)II/71/TR/14 of 1.10.71 where the Railway Board directs that mid-session transfer should be kept down to the minimum. He further draws my attention to the rule that S.C. and S.T. candidates should normally be transferred only to a place where the railway can give them quarters or within the native or adjoining districts and even that the transfers should be as minimum as possible and for strong reasons. Sri Dora prays that for these reasons the impugned order of transfer should be quashed.</p> <p>I find that the applicant had sent a representation dated 28.8.1996 addressed to the Senior Divisional Personnel Officer, South Eastern Railway, Khurda Road, requesting to retain him at Cuttack. It is clarified that the Senior Divisional Personnel Officer is the same person as the Divisional Railway Manager(P). In accordance with law laid down by the Supreme Court in GUJARAT ELECTRICITY BOARD VS. ATMARAM SUNGOMAL POSHANI (1989) 10 ATC 396, the aforesaid representation should first be disposed of before this case can be admitted. I accordingly direct the respondent No.2 to dispose of the representation within four weeks from the date of receipt of a copy of this order. A copy of the application shall also be despatched to the respondent No.2 for his perusal. Till disposal of the representation, operation of Annexure-3 transferring the applicant from Cuttack to Tapang dated 13.8.1996 is stayed. The Original Application is accordingly disposed of.</p> <p style="text-align: right;"><i>Kanamur</i> 11/10/96</p>