

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 122 OF 2000
CUTTACK, this the 25th day of January, 2001.

Dinabandhu Suna. Applicant.

Vrs.

Union of India & Others. Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
25.1.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 122 OF 2000.
Cuttack, this the 25th day of January, 2001.

DORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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Dinabandhu Suna, Aged about 39 years,
Son of late Balabhadra Suna, presently
working as Loco Driver, SE Railway,
Sambalpur Division, Sambalpur.

... Applicant.

By legal practitioner : M/s. A. Kanungo, S. R. Mishra,
B. Ray, M. K. Biswal, Advocates.

- Versus -

1. Union of India represented through General Manager,
S. E. Railway, Garden Reach, Calcutta.
2. Sri S. K. Gupta, Sr. Divisional Mechanical Engineer,
S. E. Railway, Sambalpur Division, Sambalpur.
3. Chief Power Controller, SE Railway,
Sambalpur.

... Respondents.

By legal practitioner : Mr. D. N. Mishra, ~~learned~~ Standing Counsel.

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

S. J. fm. In this Original Application, the applicant has prayed for quashing the order dated 12.2.2000 at Annexure-5 in which he has been transferred to Visakhapatna as per the order of the Sr. Divisional Mechanical Engineer, Sambalpur and released from his assignment on 12.2.2000. Respondents have opposed the prayer of the applicant in their counter.

2. No rejoinder has been filed.

3. For the purpose of considering this petition, it is not necessary to go into too many facts of this case. Applicant's case is that he joined the Railways initially in the year 1981 as a Shed-Khalasi and was promoted to Engine Khalasi, then 2nd Fireman then Shunter and in 1996 he was promoted as Loco foreman and joined at Kantabanjhi. In 1986 he was transferred to Bolangir. Petitioner has stated that on 5.5.1999 an office order was passed placing him under suspension but no suspension order was issued. Subsequently order of suspension and order of revocation of suspension was also issued. While the situation as such in order dated 9.12.1999 (Annexure-4), he was transferred to Sambalpur. Subsequently in the impugned order dated 12.12.2000 he has been transferred to Vizag. Applicant has stated that there is no administrative exigency or public interest in transferring him. He has also stated that the Sr. District Mechanical Engineer has no authority to transfer him, and therefore, he has come up in this Original application for quashing the order at Annexure-5. It is not necessary to go into the averments made in the counter by the Respondents because these will be referred to at the time of considering the submission made by Learned ASC. It has been submitted by Mr. D. N. Mishra, and has also been written in the counter, which has not been denied in the rejoinder that Sambalpur was a newly created division and where the post of Driver was manned by inducting people from other divisions. From Visakhapatnam Division persons came and there was a scheme for gradually reverting them to their parent divisions. This was mentioned in the transfer policy made in this regard. Respondents

have enclosed an order at Annexure-2 in which they have stated that in June, 1999, five transferees were reverted, 26 in September and October, 1999 and 15 transferees were reverted in June, 2000. From this it appears that repatriation of transferees who have been brought from their parent divisions have been done on the basis of triangular policy. Respondents have further stated that during the financial year back to 2000-2001, 20 transferees similar to the applicant have been sent/ Visakhapatna. It is further stated that the applicant has filed representation for his repatriation to Visakhapatna. A copy of the representation dt. 9.4.1997 has been enclosed as Annexure-R/1. It also appears that all staffs from other divisions who came to Sambalpur Division on the division being newly created were given option to either get absorbed in Sambalpur Division or get back to his parent division. Petitioner has apparently opted to get back to parent Division i.e. Visakhapatna but the Respondents have taken up a policy in gradually reverting such people and therefore, even though the applicant has represented in April, 1997 for his repatriation to Visakhapatna division his repatriation order has come in February, 2000 through the impugned order. In view of this the contention of the applicant that his transfer is not in public interest or administrative exigency is held to be without any merit and is rejected. As the applicant himself has represented for his repatriation to Visakhapatna we find no infirmity in the action of the Departmental Authorities in reverting him to his parent division. The petition is therefore held to be without any merit and is rejected. There shall be no

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order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

S. SOMNATH SOM
(SOMNATH SOM)
VICE-CHAIRMAN
25.1.1968

