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Order dated 21.4.2003

Heard Shri M.Kanungo, the learned counsel for the applicant and Shri R.C.Rath, learned Standing Counsel (on whom a copy of this O.A. has been served) appearing for the Respondents.

The grievance of the applicant arises out of his transfer from Chakradharpur Division Hospital to Sambalpur Division Hospital under Annexure-2 dated 26.03.2003 at his own request and then issuing direction amending the said transfer/posting order by the same authority, i.e., S.E.Railway vide Annexure-5 dated 3.4.2003. It is the case of the applicant that no sooner did he report for duty at Sambalpur in compliance with the order dated 26.3.2003 passed by the C.P.O., S.E.Railway (this transfer was made at his own request) than he received an order cancelling the said transfer from the Divisional Railway Manager(P), East Coast Railway, Sambalpur, on 7.4.2003. It is submitted by the learned counsel that the applicant, against the cancellation order dated 7.4.2003, has submitted a representation dated 11.4.2003, addressed to the Director General, Railway Health Services, New Delhi (who has not been arraigned as Respondent in this case) with copies to Res. Nos. 1 to 4 of this O.A.

Having regard to the above facts and circumstances of this case, we direct Respondent Nos. 1 and 2 to consider his representation and pass necessary orders according to their personnel policy, within a period of 15(fifteen) days from this day, as the applicant is without a posting order.

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It also appears that due to bifurcation of the erstwhile S.E. Railway, what is called the new East Coast Railway, certain posting orders issued during the last week of March, 2003 from Chakradharpur Division/Kharagpur Division to Khurda Division/Sambalpur Division or vice versa are causing problems of the nature faced by the applicant in the instant case. It appears that due to ^{between} lack of coordination the two Railways, i.e., S.E. Railway and new East Coast Railway orders passed during the last week of March, 2003 are in impasse. This is a problem of transition and to handle such cases to the satisfaction of the parties concerned, we would like to call upon the Res.1 and 2 to set up a coordination Committee to screen/review ^{which} all the cases of earlier inter-divisional transfer/after 1st of April, 2003 have become inter-zonal transfer, in the light of options exercised by each individual to see that the posting/transfer orders already are implemented in a systematic and unquestionable manner. This direction is being issued keeping in view ^{the need} to avoid unnecessary/litigations.

With the above observations and direction, this

O.A. is disposed of at the stage of admission itself.

Send copies of this order to Respondents along with copies of this O.A. and free copies of this order be handed over to the learned counsel of both sides forthwith.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

21/04/03

Copy of order
dt. 21.4.03 issued
w/o O.A. copy
issued to all
the respondents by Res.1
The same copy
of order issued
to the learned
counsel for both sides.

21/4/03
S.D.

22/4/03