

8  
O.A.No. 219 of 2005.

Order dated 22-05-2006.

Applicant a multipurpose Khalasi of the Railways having faced transfer from Cuttack to Sambalpur under Annexure-A/l dated 05-04-2005 has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 challenging the same to be illegal arbitrary and is against the Rules.

By filing counter, the Respondents have disclosed that the Applicant is a Class IV employee under the permanent Construction Reserve Post. The PCR post being a floating cadre the personnel confirmed against the said construction Reserved Posts are liable to face transfer from one construction unit to another/one project to another according to the requirement when the work in a particular unit/project will come to a nearing stage of completion/come to an end. It has also been disclosed by the Respondents that the Applicant belongs to Construction Organization and has faced the order of transfer in question as the project

R

9

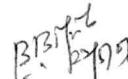
work in which the Applicant is engaged is going to be closed down shortly.

Heard Mr. N.R.Routray, Learned counsel appearing for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing for the Respondents/Railways and perused the materials placed on record.

During the course of hearing, Mr. Routray, learned counsel appearing for the Applicant has submitted that this Original Application may be disposed of in the light of the observations and directions made by this Tribunal while deciding the similar grievance of another employees of the Railways in OA No. 220 of 2005 dated 22-03-2006. He has also produced a copy of the said order with copy to the learned counsel appearing for the Respondents. Mr. Ojha, learned counsel appearing for the Respondents has also no objection to the said prayer of the learned counsel appearing for the Applicant.

2

In the said premises, this Original Application is disposed of with a direction to the Respondents to re-examine the matter (the grievances of the Applicant) with reference to the executive instructions issued by the Railway Board and pass appropriate orders within a reasonable time. The Applicant is also given liberty to make a representation within 7 days hence. Till such consideration is given by the Respondents, as directed above, the Respondents are hereby directed to allow the Applicant to continue at Cuttack, if she has not already been relieved and joined in her new place of posting at Sambalpur. There shall be no order as to costs.

  
(B.B.MISHRA)  
MEMBER(ADMN.)