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O.A. No.220/05

Order dated. 22.03.06.


Heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. Ashok Mohanty, Ld. Sr. Counsel for the Railways and perused the materials placed on record.

2. The Applicant a multipurpose khalasi of the Railways having faced a transfer from Cuttack to Sambulpur has filed this O.A under Section 19 of the Administrative Tribunal's Act, 1985 and, by virtue of the interim order dated 31.05.05, she is continuing to serve the Railways at Cuttack..

3. By filing a counter, the Railways have explained that the Applicant, who belongs to Construction Organization, have faced transfer in question; because the project work (in which the applicant is engaged) is going to be closed down shortly, and in the said premises, about 46 persons (like the Applicant) have been asked to be deployed within East Coast Railway Zone.

4. By filing a rejoinder, the Applicant has disclosed that persons, who were junior to him at Cuttack, have not yet been disturbed; although they have been shown to be surplus.

5. Ld. Counsel for the Applicant has drawn attention to certain executive instruction of the Railways (at Annexure A/7 to the rejoinder) which goes to show that the junior most of the employees should only be rendered surplus, irrespective of the manor they had entered the grade, etc. It is the case of the Applicant that the Ld. Counsel appearing for the Applicant that, without following the guidelines of the Railways, the Applicant has been shown surplus and subjected to an order of deployment amounting to transfer.



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6. Transfer and posting of the staff, being wholly within the competency of the employer, the Courts and Tribunals are to go slow in such matters. Here is a case, where a lady multipurpose khalasi has been asked to go on transfer from Cuttack to Sambulpur. It appears she is a Tribal lady (belonging to Maurbhanj District of Orissa;) for whom special considerations are available to be given in the regular establishment of the Railways.

7. In the aforesaid premises this O.A is hereby 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 an order, expeditiously, giving redressal of the grievances of the Applicant under intimation to her. The Applicant is also given liberty to make a representation with 7 days hence.

8. While disposing of this case with the aforesaid observations, Respondents are asked to allow the Applicant to continue at Cuttack until her grievances (as raised in her representation) are considered and appropriate orders are passed. The Respondents should do well and allow the Applicant to continue in Cuttack till redressal of her grievances.

9. Send copies to parties and their Counsels.

Label
22/03/06
Member (Judicial)

On. 22.03.06

Copies of order
sent to all
resptg. copies of
said order already
handed over to
both the counsels
in
12/04