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O.A.No. 733 of 2005.

Order dated 11-07-2006.

This case arose out of the transfer of the Applicant as Station Superintendent Bargarh Railway Station to Rairakhol Railway Station made by the competent authority under Annexure -4 dated 30-05-2005. The Applicant has challenged this order of transfer under Annexure-4 in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985 with the following prayers:-

- (a) to quash the order of transfer No. 40/2005 dated 30-05-2005 in favour of the Applicant as at Annexure-4 and accordingly direct the Respondents to allow the Applicant to continue in the present place of posting;
- (b) And/or pass such other order/direction as this Tribunal deem just and proper;
- (c) Direct the Respondents to pay cost to the applicant since compelled him to approach the Tribunal in pursuit of justice.

This case came up for consideration on 02-09-2005 and this Tribunal while asking the Respondents to file their counter, as an ad interim measure stayed the order of

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transfer of the Applicant from Bargarh to Rairakhol which is still in operation.

Respondent-Department by filing M.A.No. 364 of 2006 have sought for vacation of the interim order dated 02-09-2005. The grounds taken in the M.A. is that the Respondents are facing administrative difficulties in absence of a Managerial person in the station and the post in question is a safety category which needs immediate fill-up.

Heard Mr. Ashok Mishra, learned counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Railways/Respondents and perused the materials placed on record.

Learned counsel for the Applicants prays that since appeal preferred by the Applicant is pending with the Respondent No.3, he may be directed to dispose of the same within a period of one month. Learned Counsel appearing for the Respondents assures that the same will be disposed of within a month. Hence this case is disposed of directing the Respondent No.3 to dispose of the appeal lying with him within a period of one month hence keeping in mind the keeping in

mind the Railway Board's Circular under Annexure-A/6. Till then, the Applicant should not be relieved from his present place of posting. In view of the disposal of this OA, M.A.No.364/2006 filed by the Respondents stands disposed of. There shall be no order as to costs.

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