

Order dated: 27.11.2008

CORAM:

Hon'ble Mr. A. K. Gaur, Member(J)

Hon'ble Mr. C.R.Mohapatra, Member (A)

We have heard Mr. Achintya Das, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel for the Respondents.

2. The applicant was transferred and posted as Section Engineer (Works)/Special/Bhubaneswar. Earlier posting order of the applicant has been changed to the extent that Sri D.Satyanarayana, J.E.-I has been asked to take over the charge of the SE(Works)/Talcher from him. According to the applicant nobody has been posted at Talcher vice him.

3. The applicant has already submitted representation to the Principal Chief Engineer, E.Co.Railways, Bhubaneswar with the prayer to consider his case and set aside transfer/posting order.

4. We have heard parties' counsel at length. Transfer is the incident of service and an employee can be transferred from one place to another ~~in~~ administrative exigencies. The order of transfer is liable to be interfered with only on three grounds; first, if the transfer order is malafide, second, if the transfer order is in violation of statutory rules and third, if the transfer order has been passed by incompetent authority.

5. Mr. A.Das, Ld. Counsel for the applicant would contend that the rules have been violated and in utter

disregard of the Railway Board Circular, the applicant has been transferred.

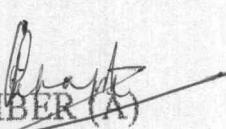
6. Having heard parties' counsel, at length, we are of the considered opinion that the grievance of the applicant might be redressed in case direction is given to the competent authority to consider and decide the pending representation dated 24.10.2008 (Annexure-A/3) by reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Ordered accordingly.

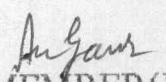
7. Till disposal of the representation, the applicant may not be spared, if he has already not been spared.

8. While deciding the representation of the applicant, the O.A. be treated as part of representation.

9. With the aforesaid observation, the O.A. is disposed of.

10. Parties' counsel may get certified copies of this order within 24 hours.

  
MEMBER (A)

  
MEMBER (J)