

O.A. No.815/2011
ORDER DATED 11th OF APRIL, 2012

B. Chowdhury.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

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Heard Sri Achintya Das, Ld. Counsel appearing for the applicant and Sri S.K. Ojha, Ld. Standing Counsel for the Rlys./ Respondents and perused the materials placed on record.

2. This Original Application is filed by the applicant who is working as Junior Engineer (Bridge), Keonjhar under Divisional Engineer, E.Co. Rly. Khurda Road with the following prayer:-

“(i) To direct the authority of E.Co. Rly. To transfer/release the applicant forthwith and the authority of S.E. Rly. To accept and allow the applicant to join under his administrative control as per his option.”

3. Ld. Counsel for the applicant submits that the applicant has already submitted representation to the General Manager, South Eastern Railway, Garden Reach, Kolkata (Respondent No.2) with a copy endorsed to General Manager, E.Co. Rly. BBSR for his transfer as per the option exercised by the applicant vide Annexure-A/8 dated 14.03.2011. He also submits that in similar case pertaining to one Sri S.R. Pal who had opted to join at S.E. Rly. and relieved by the E.Co. Rly. in terms of RBE 187/2003 and in



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pursuance of the orders of this Tribunal in O.A. No.452/2008, the joining report of Sri Pal was accepted in the S.E. Rly. Garden Reach, Kolkata. The applicant wants similar treatment as Sri Pal also stands in the same footing.

4. When the case came up on 13.12.2011 notice was directed to be issued to the Respondents, returnable in four weeks and the Ld. Counsel for the Respondents was directed to file the factual statement and counter within 30 days. When the case came today almost after 04 months, neither any counter is filed nor any factual statement has been filed before this Tribunal. Due to the urgency of this matter Ld. Counsel for the applicant submitted that since adjudication of this case will take time, the applicant will be satisfied if a direction is issued to the Respondents particularly Respondents No.2 and 3 to consider the case of the applicant for transfer to the place for which he had exercised his option in response to the circular issued by the Chief Personnel Officer, S.E. Rly., Kolkata (Annexure-A/1). While giving consideration to the case of the applicant the Respondents should be fair enough to meet out the same treatment as in the case of Sri S.R. Pal.

5. Sri Das, therefore, prayed that the applicant's grievance could be redressed if Respondents No.2 & 3 are directed to consider the case of the applicant and dispose of the pending representations vide Annexure-A/8 dated 14.03.2011 within a specific time frame.

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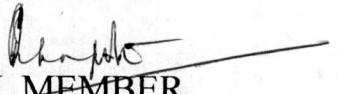
6. We have considered the submissions of the Ld. Counsel for the applicant and also the stand taken by Sri S.K. Ojha, Ld. Standing Counsel for the Rlys./ Respondents. We observe that the option was called for way back in 2002 when the applicant had submitted his option/willingness within time and no final decision as yet ^{has} been taken. His representation at Annexure-A/8 dated 14.03.2011 is still pending for decision. In view of the above, we do not find any reason to keep the present O.A. pending for adjudication.

7. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondents No.2 & 3 are hereby directed to take a final decision in the matter and dispose of the pending representation vide Annexure-A/8 dated 14.03.2011 with a reasoned & speaking order keeping in view the orders of this Tribunal dated 26.03.2010 passed in O.A. 452/08 within 60 days from the date of receipt of copy of this order under intimation to the applicant.

8. With the above observation and direction, this O.A. is disposed of. No costs.

9. Send copy of this order to Respondents No.2 & 3 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


JUDL. MEMBER


ADMN. MEMBER