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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.289 of 2010

Ajai Kumar Singh Applicant

Versus

Union of India & Others

Respondents

ORDER DATED: 24.05.2010

CORAM:

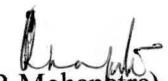
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (ADMN.)

On being mentioned by Mr. D.K.Mohanty, Learned Counsel for the Applicant in the presence of Mr. S.K.Ojha, Learned Standing Counsel for the Railway; on whom copy of this OA has been served, this matter is taken up today. Heard and perused the materials placed on record. It is seen that the applicant has earlier approached this Tribunal in OA 248 of 2010 requesting for acceptance of his request to transfer him from ECoRly to SEC Rly. Considering the fact that representation made by the applicant in this connection is still pending consideration this Tribunal in order dated 10th May, 2010 disposed of the matter directing Respondent Nos.1&2 to consider the representations and take immediate action so as to release the applicant from East Coast Railway to enable him to report for duties at Nagpur Division for getting his promotion.

2. By filing the present Original Application it is alleged by the applicant that meanwhile he has been transferred under Annexure-A/6 dated 23/14.02.2010 from the Office of the Dy.CE(Con)/JJKR to the office of Dy.CE(Con-II),SBP under the ECoRly. Since his grievance for repatriation is under consideration due to the order of this Hon'ble Tribunal dated 10th May, 2010, the Respondent No.2 may be directed not to give effect to his order of transfer under Annexure-A/6 until receipt of final consideration of his grievance of repatriation. I see considerable force in the submission of the Learned Counsel for the applicant inasmuch once

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it is decided by the ECoRly to release the applicant to SEC,Rly the transfer of the applicant will lead to incurring of unnecessary additional financial burden towards the payment of TA/DA to the applicant. In the circumstances, I feel it just and adequate to dispose of this Original Application at the admission stage by directing the Respondent No.2 not to give effect to the order of transfer of the Applicant under Annexure-A/6, if somebody is not posted in his place as yet, till a final decision is taken on the repatriation of the applicant. Ordered accordingly.

3. Send copies of this order along with OA to Respondent No.2 by post at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish the postal requisite by tomorrow.


(C.R. Mohapatra)
~~Member~~ (Admn.)