

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 260/00944 of 2016

Cuttack this the 3rd Day of January, 2017

CORAM

HON'BLE SHRI R.C. MISRA, MEMBER(A)

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Uttam Kumar Mitra, aged about 51 years, Son of Late Santosh Pada Mitra, at present working as SSE(W) in Rajgangpur, Odisha, At-Stationpara, P.O.-Rajgangpur, Dist- Dundargarh, Odisha.

.....Applicant.

By the Advocate(s)-M/s. C.R. Pattnaik, S.C. Padhi & Meetali Jesti.

-VERSUS-

1. Union of India, Represented through the G.M. SER Garden Reach, Kolkata-43.
2. Principal Chief Engineer, South Eastern Railways, Garden Reach, Kolkata-43, West Bengal.
3. The Divisional Railway Manager (Engineering), Chakradharpur, South Eastern Railways, Chakradharpur, P.O./P.S.-Chakradharpur, Dist. West Singhbhum, Jharkhand.
4. Dy. Chief Engineer (TP) for General Manager, (Engg.), South Eastern Railway, Office of the G.M. (Engg.), Garden Reach, Kolkata-43, W.B.

.....Respondents

By the Advocate(s)- Mr. T. Rath.

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. C.R.Pattnaik, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

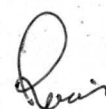


2. The applicant, in this case, has approached this Tribunal challenging his order of transfer vide letter dated 22.12.2016 issued by the Sr. Divisional Personnel Officer, S.E.Railways, Chakradharpur, in which it has been mentioned that one Sunil Roy has been transferred and posted in the post at present held by the applicant as SSE (Works). The Ld. Counsel for the applicant also has drawn my attention to Annexure-2 dated 19.09.2016 in which it has been mentioned at Sl. No. 5 that the applicant has been posted as SSE (Works) at CSP/ANR. The Ld. Counsel further submits that applicant is suffering from serious health problems and, therefore, his transfer from Rajgangpur to Kolkata is prejudicial to his personal as well as family interests.

3. On being asked, as to whether the applicant has made any representation to the Respondent-authority ventilating his grievance, it has been pointed out by the applicant's counsel that the applicant made a representation to the Principal Chief Engineer, S.E.Railways, Garden Reach, Kolkata on 03.10.2016. It is to be noted that the Principal Chief Engineer, S.E.Railways, has been impleaded as Respondent No.2 in this case. It is submitted by the Ld. Counsel for the applicant that this representation is still pending with the concerned authority and needs to be disposed of.

4. Mr. T.Rath, Ld. Standing Counsel for the Railways, on the other hand, pointed out that the applicant has already completed his stipulated tenure at the place of posting, i.e. Rajgangpur, therefore, there is nothing wrong in the order of transfer.

5. It is noted here that transfer is a matter, which is done in the exigency of the public service and, therefore, unless the Tribunal is satisfied with the ground of cancellation to this transfer order, it would not give any




positive direction in this regard. However, Ld. Counsel for the applicant has fervently pleaded that the applicant is not well and considering his health problems a sympathetic consideration of his representation is required on the part of the Respondents.

6. In view of the submissions of the respective counsels, without going into the merit of the matter, I would direct Respondent No.2 to consider the representation dated 03.10.2016, if it has been submitted by the applicant and received by the concerned authority, and dispose of the same with a reasoned and speaking order communicating the decision to the applicant in this matter within a period of sixty days from the date of receipt of this order. As an interim measure, it is directed that the status quo in respect of the applicant shall be maintained until the representation is disposed of and the decision of the Respondents is communicated to the applicant.

7. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

8. Copy of this order along with paper book be transmitted to Resp. Nos. 2 and 4 by Speed Post at the cost of the applicant for which Mr. Pattnaik, Ld. Counsel for the applicant, undertakes to file the postal requisites by 05.01.2017.


(R.C.MISRA)
MEMBER (A)