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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.360/00335 of 2015  
Cuttack this the 19<sup>th</sup> day June, 2015  
CORAM

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

Birendra Nath Biswas  
Aged about 55 years  
Son of late Binoda Bihari Biswas  
At present working as senior Section Engineer(Works)/Line/Sambalpur  
O/o.Asst.Divisional Engineer(Line)  
East Coast Railways  
Sambalpur  
At/PO-Sambalpur  
Dist-Sambalpur

...Applicant

By the Advocate(s)-Mr.D.R.Pattnayak

-VERSUS-

Union of India represented through

1. General Manager  
East Coast Railways  
At/PO-Chandrasekharpur  
Dist-Khurda
2. Divisional Railway Manager  
East Coast Railway  
Sambalpur  
At/PO/Dist-Sambalpur
3. Asst.Divisional Railway Manager  
East Coast Railway  
Sambalpur  
At/PO/Dist-Sambalpur
4. Sr.Divisional Personnel Officer  
East Coast Railway  
Sambalpur  
At/PO/Dist-Sambalpur



5. Asst.Divisional Engineer(Line)  
 East Coast Railway  
 Sambalpur  
 At/PO/Dist-Sambalpur

6. Sri Rajeswar Panda,  
 J.E.(Works)/TIG  
 East Coast Railway  
 Sambalpur  
 At/PO-Sambalpur  
 Dist-Sambalpur

...Respondents

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

R.C.MISRA, MEMBER(A):

Heard Mr.D.R.Pattnayak, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel for the Railways on the question of admission.

2. Brief facts of the matter are that applicant was earlier working as SSE(Works)/Land Cell, East Coast Railways, Sambalpur in the year 2011 and thereafter, by an order dated 1.4.2014, he was transferred to the post of SSE(Works)/Line, Sambalpur in the same capacity. His grievance is that although he has not completed two years in the present post, he has again been transferred to the earlier post where he has already worked for three years. It is the submission of the learned counsel for the applicant that the post of SSE(Works)/<sup>Land Cell</sup> ~~Line~~ is a sensitive post and according to Railway Boards' guidelines dated 27.5.2011, it has been decided that an official who



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has been working in a sensitive post should not be posted back to the same post for at least a minimum period of two years. In the present case, without observing this cooling period, the respondents have transferred the applicant to his earlier post. Ventilating his grievance, applicant has preferred a representation to the A.D.R.M., East Coast Railways, Sambalpur, who is Respondent No.3 in this case.

3. On the other hand, Mr.T.Rath submitted that transfers are being made by the decision of the Transfer Committee and in the instant case, there might be some administrative compulsion necessitating transfer of the applicant.

4. Transfer is a matter which is incidental to the Government service and therefore, at this stage, since a representation is pending with the Respondent No.3, it is required that he should first consider and dispose of the same through a ~~through~~ a reasoned and speaking order to be communicated to the applicant within a period of one month from the date of receipt of this order.

Ordered accordingly.

5. It is however, ordered that status quo in respect of the applicant shall be maintained till a decision taken on the representation is communicated to the applicant.



6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.
7. On the prayer made by Mr.Pattnayak, copy of this order along with paper book of O.A. be sent to the Respondent No.3 by Speed Post at the cost of the applicant, for which Mr.Pattnayak undertakes to deposit the postal requisites by 22.6.2015.

Free copy of this order be made over to learned counsel for both the sides.



**(R.C.MISRA)**  
**MEMBER(A)**

BKS