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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK
Original Application No.260/00534 of 2015
Cuttack, this the 25th day of August, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

Sri Pradeep Yadav, aged about 32 years, Son of Laxman Singh Yadav, House No.6M2, Dadabari, Kota Rajasthan, 324009, presently working as DEN(Est), Eco Railway, Wailter.

..... Applicant
(Advocates: M/s. D.P. Dhalsamant, N.M. Rout)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda-751017.
2. Chief Personnel Oficer,
East Coast Railway, Rail Sadan,
2nd Floor, South Block, Chandrasekharpur,
Bhubaneswar, Dist-Khurda-751017.
3. Principal Chief Engineer,
East Coast Railway, Rail Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda-751017.
4. Prithiraj Panigrahi,
Senior ADEN/LKMR,
At/PO-Laxmipur,
Dist-Koraput

..... Respondents
(Advocate: Mr. T. Rath)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

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

2. The facts of the case ~~are~~ that initially the applicant had joined as ADEN, Arku (Walter) on 30.06.2010. Thereafter the applicant was transferred to Kirandul in the year 2012 and was again transferred to Head Quarter Khurda Road as DEN and joined on 08.11.2013. On 01.04.2014 the applicant was again



transferred to Waltier and thereafter he has been transferred to XEN (Con) Balangir on 11.08.2015. On the same day the applicant submitted representation vide Annexure-A/2 to Respondent No.1 ventilating his grievance about frequent transfer without completing tenure. He further submitted that his ailing old parents have been under medical treatment at Vishakhapatnam. The Respondent No.1 without application of mind regretted the grievance of the applicant for administrative interest and officer's career planning, which was communicated by the Respondent No.3 to the applicant vide order dated 18.08.2015. There being no alternative and efficacious remedy available, the applicant has approached this Tribunal by filing the present O.A. with the following prayer:-

“ (i) The order dated 11.08.2015 (Annexure-A/1) and order dated 18.08.2015 (Annexure-A/3) be quashed.
(ii) Direction be issued to the Respondents to allow the applicant to continue in the present post till completion of his tenure.”

3. Mr. T. Rath, Ld. Standing Counsel for the Respondents-Railways wants some more time to get instruction in this matter. However, we ^{are} ~~have~~ convinced that the order dated 18.08.2015 is a cryptic one in which the prayer of the applicant has been rejected by stating “**His request is regretted considering administrative interest and the officer's career planning. He may be replied accordingly.**”

4. In view of the aforesaid facts, we dispose of this O.A. by quashing Annexure-A/3 and remit the matter back to Respondent No.1 to consider the representation of the applicant as per Rules and Regulations and communicate the result thereof to the applicant by way of a reasoned order within a period of two months from the date of receipt of copy of this order. However, we have not expressed any opinion on the merit of the matter



and the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules, regulations and law in force.

5. It is made clear that status quo so far as continuance of the applicant is concerned will be maintained till 30.11.2015.

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

7. On the prayer made by Mr. D.P. Dhalsamant, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent Nos.1 & 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 31.08.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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