

21

P. Pradhan -Vrs- UOI

Orders/Directions Sl. No.21  
O.A. No.770/15

Order dated 24<sup>th</sup> June, 2016

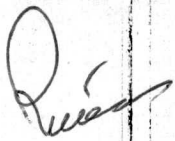
CORAM  
HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....

Heard Mr.N.R.Routray, learned counsel for the applicant and Mr.M.B.K.Rao, learned panel counsel for the respondents.

2. In this Original Application, applicant is presently working as Shunting Master, Gr.II , JJKR in the East Coast Railways. He has approached this Tribunal being aggrieved by the orders of transfer whereby he has been transferred from JJKR to Paradeep in the same capacity.

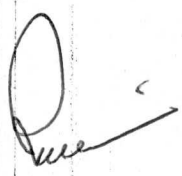
3. It is the case of the applicant that vide order dated 10/14.9.2015, several persons were promoted from Shunting Maser, Gr.II to Gr.I and the applicant is one of them being placed at Sl.No.7. His place of posting has been indicated at Paradeep. In the Foot Note of this order, it has been indicated that applicant's promotion will be effective from only after completion of the penalty imposed upon him. The allegation of the applicant is that before his promotion could be effected, he was transferred to Paradeep only because of some administrative reasons and that too without a proper transfer order. The argument advanced by the applicant is that he should have been posted on transfer to Paradeep only on his promotion to the post of Shunting Master,Gr.I and not prior to that.



22 -2-

4. On 7.1.2016, this matter was taken up by the Division Bench when in consideration of the fact that no body had been posted in place of the applicant, respondents were directed to allow him to continue in his former post and this interim order is in force as on date. Mr.Rao has filed M.A.No.212 of 2016 with a prayer to recall this order passed by the Division Bench. It is submitted that in any case applicant is not going to be relieved by any of his substitute nor any one is being posted as Shunting Master Gr.II at JJKR in place of the applicant and other employees and therefore, the transfer of the applicant being in administrative interest, order dated 7.1.2016 should be recalled.

5. I have considered the rival submissions. I am of the opinion that transfer made by the respondents before his promotion to the post of Shunting Master Gr.I without a valid and proper transfer order appears to be administratively incorrect. However, Mr.Rao submitted that the punishment period of the applicant is going to be over on 30.6.2016 and obviously, thereafter, he will be posted to Paradeep on promotion. Learned counsel for the applicant has fairly submitted that if the applicant is promoted to Shunting Master, Gr.I he will have no objection to join the post at Paradeep. Since it has been indicated by the respondents in the Foot Note of the order of promotion that applicant's promotion will be effective from only after completion of penalty period, and the said penalty period admittedly being over on 30.6.2016, it goes without saying that applicant will be posted on promotion to Paradeep as Shunting Master Gr.I as soon as the punishment period is over on 30.6.2016.



23

OA 2 - 3

6. With the above observation and direction as <sup>ad</sup>foresaid, this is disposed of.

No costs.



(R.C.MISRA)

MEMBER(A)

BKS

