

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

Original Application No.260/00 252 of 2016

(An application U/S. 19 of the A.T. Act. 1985)

Dated the 25th April 2016

In the matter of:

Manas Ranjan Senapati, aged about 48 years, Son of Late Bauribandhu Senapati, JE (Estimate)/Con/BBS working under CE/Con/III/BBS, permanent resident of Village/P.O. Sisilo, Via:Balakati, Dist.Khordha. **APPLICANT**

APPLICANT

-Vrs. -

1. Union of India, represented through General Manager, East Coast Railway., E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist.-Khurda.
2. Chief Administrative Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District Khordha.
3. Chief Engineer (Con-III), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District Khordha.

RESPONDENTS

W. Lee

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing 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 has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:

“ a. To quash the order of transfer dt. 15/16.2.2016 and order of rejection dt. 1/4.4.2016 under Ann.-A/3 & A/7 respectively;

b. And to direct the respondents to allow the applicant to continue at Bhubaneswar till completion of his tenure.

And pass any other as this Hon’ble Tribunal deems fit and proper.....”

3. The sum and substance of the case is that the applicant vide order dated 15/16.02.2016 (Annexure-A/3) has been transferred and posted at Angul as JE/Estimate/Con/ANGL under the administrative control of Dy. CE/Con/Angul from JE/Estimat/Con/BBS. The applicant submitted representation dated 16.02.2016 to Respondent Nos. 2 and 3. The representation of the applicant was disposed of by Respondent No.2 vide order dated 1/4.4.2016 (Annexure-A/7). Mr. N.R.Routray, Ld. Counsel for the applicant

(Signature)

submitted that ventilating his grievance applicant preferred an appeal to Respondent No.1 on 11.04.2016 (Annexure-A/8), which is stated to be pending consideration. The Ld. Counsel for the applicant submitted that applicant's transfer order is a punitive one as it has neither been recommended by the Placement Committee nor there is any reason for such transfer. Relying on Annexure-A/9 (MC 24 Transfer of Non-gazetted Railway Servants), he has pointed out at paragraph 4.3(i) and 9.2, which reads as under:

“4.3 i. Railway servants holding sensitive posts and who come into contact with public or/and contractors/suppliers etc, should be, transferred out of their existing post/seat or station as the case may be, after every four years.

XXX

XXX

XXX

9.2 Mid-session transfers of Railway servants should be kept down to the minimum necessary in the interests of administration.”

4. Since the matter is under consideration by Respondent No.1, at this stage we are not inclined to admit this O.A. and keep the matter pending. Accordingly, without expressing any opinion on the merit of the matter, we would direct Respondent No.1 to consider and dispose of the pending appeal dt. 11.04.2016 (Annexure-A/8) in accordance with the extant rules and regulations



and pass a reasoned and speaking order within a period of three months from the date of receipt of this order. It is made clear that the applicant will be allowed to continue at his present place of posting till 31.08.2016, if no reliever has come to join at the applicant's place. If in the meantime time the said appeal has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of this order.

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

6. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 by Speed Post for which he undertakes to file the postal requisites by **27.04.2016**.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)