



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK
BENCH: CUTTACK**

O.A. No. 260/00347 OF 2016

IN THE MATTER OF:

An application under Section 19 of the
Administrative Tribunal's Act, 1985;

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IN THE MATTER OF:

Sri O.P. Dubey, aged about 45 years, S/o. Kameshwar Dubey,
Resident of Village-Danipali (Gopalimal), P.O. Budharaja,
P.S. Ainthapali, Dist. Sambalpur, at present working as T.T.I.
Sambalpur, P.O/P.S. Khetrajpur, Dist. Sambalpur.

... **APPLICANT**

Versus

1. Union of India, represented through its Secretary,
Ministry of Railway Department, Central Secretariat,
New Delhi-110001.
2. General Manager, East Coast Railway,
At/P.O. Bhubaneswar, Dist. Khurda.
3. Divisional Railway Manager, P.O/P.S. Khetrajpur,
Dist. Sambalpur.

... **RESPONDENTS**

ORDER (ORAL)
Dated 23.05.2016

A.K.PATNAIK, MEMBER (JUDL.):

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Heard Mr. S.K.Samal, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“(i) To quash the order of transfer dt. 13th April, 2016 vide Annexure A/1 (in so far as applicant is concerned) and direct the Respondents to allow the applicant to continue at his present place of posting (Sambalpur) till completion of his children’s academic year (education year) those have taken admission in +2 Commerce, +10th and VIII at least till completion of this year.

(ii) Transfer him from Sambalpur to any other place where Kendriya Vidyalaya are established where his children can take admission on the transfer ground of their children in the next year.

(iii) To pass any other order.....”

3. The case of the applicant is that vide order dated 13.04.2016 (Annexure-A/1) he has been transferred from Sambalpur (Odisha) to Mahasamad (Chhattishgarh) during the mid academic session while his children are studying in +2 Commerce, +10th and in standard VIII. It has been submitted that although he ventilated his grievance before Respondent No.3 vide representation dated 20.04.2016 (Annexure-A/3) but nothing has been communicated to him till date and hence he has moved this Tribunal in this present O.A.

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4. Mr. T.Rath, Ld. Standing Counsel for the Railways, after getting instruction has filed a memo dated 23.05.2016 enclosing therein a copy of the letter dated 11.05.2016 issued by the Chief Ticket Inspector, E.Co.Rly., Sambalpur, which reads as under:

“.....Sri O.P.Dubey Ch. TTI/SBP is hereby spared from CTI (L)/office at AN of dated 11.05.2016 with his attendance particulars to MSMD in his existing capacity and Scale of Pay and posted under SMR/MSMD. He is at present under sick from 26.04.2016 to till date. As and when Sri O.P.Dubey will resume on duty i.e. at MSMD under SMR/MSMD.”

On the other hand, Mr. Samal, Ld. Counsel for the applicant, submitted that the applicant has not yet been relieved.

5. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No.3 to consider and dispose of the representation under Annexures-A/3, if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of a copy of this order. It is made clear that if the applicant has not been spared and is continuing in his present place of posting then he will be allowed to continue in the present place till 01.08.2016. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules and regulations. However, it is made clear that if in the meantime the said representation has already been disposed of then the

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result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

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

7. On the prayer made by Mr. Samal, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 25.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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