

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 426/2016
Cuttack this the 28th day of June, 2016

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

Sunder Narayan Dash aged about 59 years, S/o Late Shri Digambar Dash, O/o Chief Operations Manager/ East Coast Railway, E.Co.R. Sadan, Bhubaneswar, R/o Quarter No. D/25/S, Rail Vihar, Chandrasekharpur, Bhubaneswar, Odisha.

...Applicant

By the Advocate- Mr. N.R.Routray

-VERSUS-

- 1- Union of India represented through the General Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, District Khurda.
- 2- Chief Personnel Officer, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, District Khurda.
- 3- Chief Operations Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, District Khurda.
- 4- Senior Divisional Personnel Officer, East Coast Railway, Waltair Division, At/PO Dandoparthy, Visakhapatnam, Andhra Pradesh.

...Respondents

By the Advocate- Mr.T.Rath

O R D E R

R.C.MISRA, MEMBER (A)

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T. Rath, learned Standing Counsel appearing for the Railways.

2. The applicant has approached this Tribunal challenging the order of transfer dated 20th June, 2016 (Annex.A/7) by which the applicant has been transferred from East Coast Railway Headquarters to the Waltair Division.

The learned counsel for the applicant has submitted that the applicant was earlier transferred from Freight Section to the Coaching Section by an order dated 18th January, 2016. He also has further pointed-out that a show

cause notice was issued to him on 11th January, 2016 whereby, he was asked to explain why he had gone to Kolkata on 8th January, 2016 when he was on casual leave without taking permission for leaving the headquarters. Subsequently also, on 9th May, 2016 vide Annex.A/5, he was asked to explain why disciplinary action should not be initiated against him for not providing his personal mobile number to the concerned authority for allotting him duties in connection with the Celebration of 61st Railway Week at Bhubaneswar. It is further submitted that on 12th May, 2016 vide (Annex.A/6), applicant had submitted his explanation to the Dy. C.O.M. (Coaching), East Coast Railway, Bhubaneswar in reply to the letter dated 9th May, 2016. However, without any proper consideration of his explanation, he was transferred vide order dated 20th June, 2016 to the Waltier Division. Thereafter, he has filed an appeal against his transfer order to the Respondent No. 1 i.e. the General Manager, East Coast Railways. In his representation at Annex.A/8, applicant has alleged that he has been harassed on frivolous grounds and without any real administrative necessity, he has been transferred to Waltier. He also further has submitted that he has only 1 year and 7 months to retire from the Railway service and in view of this, at this stage, he should not be disturbed.

3. I have heard the learned counsel for both sides and perused the records.
4. The learned counsel for the applicant has strongly submitted that the applicant has been harassed without any rhyme and reason and, his transfer to Waltier is punitive in nature. However, as alleged, since the representation made to the authorities on 20th June, 2016 (Annex.A/8), is said to be



still pending with the respondent No. 1, I deem it fit, in the circumstances of the instant case, to direct the Respondent No. 1, i.e. the General Manager, East Coast Railways, Bhubaneswar, to dispose of the applicant's representation dated 20.06.2016 by a reasoned and self speaking order within a period of one month from the date of receipt of a copy of this order and communicate the decision to the applicant.

5. The learned counsel for applicant has also prayed for staying the effect and operation of the order dated 20th June, 2016 (Annex.A/7) as an interim measure, until a decision on his representation is conveyed to him. It is, therefore, directed that the status quo in respect of the applicant as on date, shall be maintained until 'One Week' after the communication of the decision on applicant's representation.

6. With this observation and direction, the O.A. is disposed of. A copy of this order along with the paper-book, be sent to the Respondent Nos. 1, 2 and 3 at the cost of the applicant, for which requisites may be filed by 30th June, 2016.


(R.C.MISRA)
Member (A)