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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No. 388 of 2012

ORDER DATED – 16th May, 2012 (Oral)

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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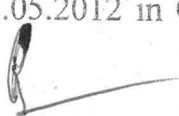
This O.A. has been filed by the East Coast Railway Shramik Congress Union, Shri Biraja Sankar Mishra and Shri Babu Rao Bhaurao Borde seeking the following relief:

- “(i) Let the order dated 01.03.2012 passed under Annexures-A/9 and A/10 series respectively be quashed.
- (ii) Let any other order.....”

By way of interim relief, the applicants have prayed for stay of operation of the impugned order of transfer vide Annexure-A/9 and A/10.

2. Heard Mr.D.K.Sahoo, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials available on record.

3. Ld. Counsel for the applicant brought to our notice that in a similar case of transfer of the office bearers of the Railways, this Tribunal has already passed orders on 03.05.2012 in O.A. Nos. 281




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and 234 of 2012. We have also perused the said orders, in which the following order was passed:

“Hence the approval of the GM, ECoRly,BBS communicated by the CPO, ECoRly,BBS based on which transfer of the applicants have been effected is hereby quashed and accordingly, the impugned orders of transfer of the Applicants in both the OAs are quashed. It is, however, made clear that the Respondents are at liberty to take action in the interest of administration regarding transfer of this category of employees after complying with the provisions of Estt. Sl.No. 37/80 dated 07.02.1980”.

4. The contention of the Ld. Counsel for the applicant is that the applicant Nos. 2 and 3 in this O.A. are also the office bearers of the East Coast Railways and they have been re-elected as office bearers of the Union in the election in January, 2012. It is further submitted by the Ld. Counsel for the applicants that the applicants No. 2 and 3 have still not been relieved. This is not disputed by the Ld. Standing Counsel for the Railways.

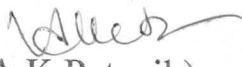
5. In the aforesaid premises, we are of the considered view that this O.A. can be disposed of at the stage of admission itself by directing the Respondents not to effect the transfer of the applicant No. 2 made vide office order No. Engg./15/2012 dated 01.03.2012 and applicant No. 3 vide office order No. P/Elect(G)/16/2012 dated 01.03.2012. Ordered accordingly. However, we make it clear that the Respondents are at liberty to take action in the interest of

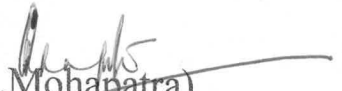


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administration regarding transfer of applicants No. 2 and 3 after
complying with the provisions of Estt. Sl.No. 37/80 dated 07.02.1980.

6. With the aforesaid direction, the O.A. stands disposed of.

There shall be no order as to costs.


(A.K. Patnaik)
Member(J)


(C.R. Mohapatra)
Member (A)

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