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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.922 of 2012

Cuttack this the 18th day of December, 2012

CORAM

HON'BLE SHRI ASHOK KUMAR PATNAIK, MEMBER(J)

Gurudas Paul,
Aged about 49 years
Son of late Tulasidas Paul
A P.C.R. Compressor Driver-Cum-Mechanic-II
O/O. Deputy Chief Engineer/Construction
E.Co.Rly/JJKR

...Applicant

(Advocate:Mr.N.Routray)

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Union of India represented through

1. The General Manager,
East Coast Railway
E.Co.R.Sasadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda
2. Chief Personnel Manager
East Coast Railway
2nd Floor
South Block
E.Co.R.Sadan
Mancheswar
Bhubaneswar
Dist-Khurda
3. Senior Personnel Officer/Con./Co-ordination
E.Co.Rly.
Rail Vihar
Chandrasekharpur
Bhubaneswar
Dist-Khura

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4. Deputy Chief Engineer/Construction
East Coast Railway
Jajpur keonjhar Road
At/PO-Jajpur Road
Dist-Jajpur
 5. Senior DEN/Co-Ordn.
East Coast Railway
Khurda Road Division
At/PO-Jatni
Dist-Khurda
 6. Senior Divisional Personnel Officer
E.Co.Rly.
Khurda Road Division
At/PO-Jatni
Dist-Khurda

...Respondents

(Advocate: Mr.T.Rath,SC)

O R D E R (oral)

A.K.PATNAIK, MEMBER (J):

The Applicant (Gurudas Paul) has filed this Original Application seeking the following reliefs:

- a. To quash the order of transfer dated 19.09.2012 under Annexure-A/5 so far as the applicant is concern;
- b. And to direct the Respondents to allow the applicant to discharge his duty under Respondent No.4."

2. In the impugned order dated 19.9.2012 under Annexure-A/5 the Applicant was repatriated from construction wing to Lien Managing District. Mr. Routray, Learned Counsel for the Applicant submitted that all through from the beginning of his career the applicant has been working in the construction wing and

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therefore, he can at best be transferred to other Divisions but cannot be repatriated to Lien managing district. His contention is that the order of repatriation under Annexure-A/5 being bad in law the same is liable to be quashed. On the other hand Mr. Rath, Learned Standing Counsel appearing for the Railway-Respondents submitted that meanwhile PCR cadre has been abolished. The employees working under PCR have been absorbed in the lien wings and, therefore, there is no illegality in the order at Annexure-A/5. Be that as it may, alleging his grievance the applicant has made representation dated 10.12.2012 at Annexure-A/6 to the Chief Personnel Officer, East Coast Railway, 2nd floor, South Block, ECOR Sadan, Mancheswar, Bhubaneswar, Dist. Khurda/Respondent No.2 and this being a matter to be well adjudicated at the first instance by the administrative authority, without entering into the merit of the case, this OA is disposed of with direction to the Respondent No.2 to consider the pending representation at Annexure-A/6 and communicate the decision in a well reasoned order to the Applicant within a period of two months from the date of receipt of copy of this order. Till communication of the decision on the representation of the Applicant, as directed above, status quo, as on the date, in so far as continuance of the applicant in the place/post/unit shall be maintained. There shall be no order as to costs.

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3. Subject to furnishing the postal requisite within a period of two days, as undertaken by Learned Counsel for the Applicant, copy of this order along with OA be sent to Respondent Nos. 2,3,4,5 and 6 for compliance.



(A.K.Patnaik)
Member(Judicial)

