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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 185 OF 2013

Cuttack the 13th day of August, 2014

CORAM

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

Dr. Krushna Chandra Bal,
aged about 58 years,
S/o. Late Sudarsan Bal,
SAG, Indian Railway Personnel Service,
Office of the Chief Personnel Officer,
Rail Sadan, Chandrasekharpur,
East Coast Railway, Bhubaneswar,
Present Address At-HIG-33,
Saila Shree Vihar, Po/P.S.-Bhubaneswar,
Dist-Khurda.

...Applicant

(Advocate: M/s. N.R. Routray, T.K. Choudhury, S. Dash, Ms. J. Pradhan)

VERSUS

Union of India Represented through

1. The Director (Estt.), Railway Board,
Rail Bhawan, New Delhi.
2. The Secretary (E),
Railway Board,
Rail Bhawan, New Delhi.
3. The General Manager,
East Coast Railway,
Bhubaneswar, Dist. Khurda.
4. The Chief Personnel Officer,
East Coast Railway,
Bhubaneswar, Dist. Khurda.

(Advocate: Mr. S.K. Ojha)

... Respondents



ORDER(Oral)

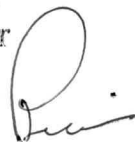
R.C. MISRA, MEMBER (A)

Heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and Mr. S.K. Ojha, Ld. Panel Counsel appearing for the Respondents/Railways and perused the materials placed on record.

2. The applicant in the present O.A. is a senior officer of the Indian Railway Personnel Service. While he was working as Chief Personnel Officer in the East Coast Railway at Bhubaneswar, the Ministry of Railways decided to transfer the applicant to West Central Railway in the same capacity to be posted against the vacancy caused due to transfer of one Sri Nanda Kishore as ADRM Raipur, South East Central Railway. This order was communicated to the General Manager, East Coast Railway vide Wireless Post Copy issued on 28.02.2013. The East Coast Railway brought out an office order dated 01.03.2013 releasing the applicant from East Coast Railway with immediate effect on transfer to West Central Railway for his further posting.

Aggrieved with the Wireless Post Copy dated 28.02.2013 and releasing order dated 01.03.2013 vide Annexures-A/8 and A/9 respectively, applicant has moved this Tribunal by filing the present O.A. wherein he has prayed for the following relief:

“ The applicant therefore prays that this Hon’ble Tribunal may graciously be pleased to admit the original application, issue notice to the respondents and after hearing the learned counsel for the parties set aside/quash the orders dated 28.02.2013 and dated 01.03.2013 vide Annexure-8 and 9 and further direct the respondent authorities to allow the applicant to discharge his duty in the post of Chief Personnel Officer (Administration) in the Senior Asst. Grade in the present place of posting at Bhubaneswar under East Coast Railway and to release the service benefits in favour of the applicant since the date of his joining in the said post i.e. since 08.03.2012 for which the applicant is entitled to and to disburse the salary as a regular employee under the East Coast Railway.”



On 24.06.2013 the O.A. was dismissed for non-prosecution.

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2. Mr. Ojha submitted that the applicant has been relieved on 01.03.2013 and has joined his new place of posting at Jabalpur on 15.04.2013. Subsequently, the applicant filed M.A. No.470/13 for restoration of the O.A. and this Tribunal after considering the M.A. restored the matter to file by order dated 10.02.2014. On that date, the case was admitted and notice was directed to be issued to the Respondents to file their counter affidavit. In the preliminary counter filed by the Respondents, it has been stated that during pendency of this O.A. certain developments have taken place making this O.A. infructuous. The applicant having been relieved on 01.03.2013 has assumed charge in the new place of posting. The applicant had also filed another O.A. bearing No. 182/2013 in the same matter. An M.A. No.510/14 arising out of that O.A. was filed by the applicant, praying for a direction to be issued to the Railway Board to consider his pending representation with regard to his re-transfer to East Coast Railway as he ^{was} ~~has~~ left with little more than one year of service. This Tribunal disposed of the M.A. as well as the O.A. No.182/13 by directing the Railway Board to consider the representation of the applicant within a stipulated period. The Railway Board has also taken a decision in this matter and communicated to the applicant rejecting his prayer. In the rejoinder to the counter filed by the applicant on 04.08.2014 in this case, it has been mentioned that the applicant is going to retire after reaching the ^{age of} superannuation after five months. It has been ^{submitted} ~~admitted~~ that after receiving letter dated 08.06.14 rejecting his prayer, he has submitted another detailed representation ventilating his grievance to the Railway Board. In this representation he has raised certain issues which were not raised in the earlier application. The applicant, therefore, has prayed that the O.A. may be disposed of with a direction to Respondent No.2 to dispose of the

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representation of the applicant dated 31.07.2014 within a period of one month. A copy of the application dated 31.07.14 has also been enclosed to the rejoinder.

3. In this case since the applicant has joined his new place of posting since long there is no matter as such left for adjudication. As already mentioned, the Tribunal has given a direction for consideration of his representation for his transfer back to East Coast Railways, Bhubaneswar. Admittedly, this representation was considered by the Respondents and rejected and thereafter, the applicant has made another representation on 31.07.14, mainly on the ground that he is having only five months of service left before his superannuation. On the merit of this matter, the Tribunal has no observation to make because the authorities will consider the representation only on administrative grounds. However, since a prayer has been made by the applicant to give a direction to the Respondents to consider the representation dated 31.07.14 on the ground that he is going to shortly retire on reaching the age of superannuation, I direct Respondent No.2 in this case to give a further consideration to his representation and communicate the decision to the applicant within a period of one month of receiving of copy of this order. Ordered accordingly.

4. With this observation and direction this O.A. stands disposed of.

No costs.

5. As agreed to by Ld. Counsel appearing for both the sides, copy of this order along with copy of this O.A. be sent to Respondent No.2 at the cost of the applicant for compliance for which Mr. N.R. Routray, undertakes to deposit the postal requites by 18.08.2014. Free copy of the order be made over to Ld. Counsel appearing for both the sides.



(R.C. MISRA)
ADMN. MEMBER