

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No. 193 OF 2013  
Cuttack this the 8<sup>th</sup> day of April, 2013

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

Subhendu Sekhar Kar, aged about 38 years, S/o. Harish Chandra Kar, working as Ch.Office Superintendent/E.Co.Rly., HQ/ECoR Sadan, Chandrasekharpur, BBS, Permanent resident of Sushila Sadan, Kapileswarpur (Bada Sasan), Jajpur Town, Dist-Jajpur, odisha

...Applicant

By the Advocate-Mr.N.R.Routray

-VERSUS-

Union of India represented through

1. The General Manager, E.Co.Rly., E.Co.Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
2. Sr.Deputy General Manager-cum-Chief Vigilance Officer/East Coast Railway/ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
3. Chief Mechanical Engineer/East Coast Railway/ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
4. Secretary to General Manager/ East Coast Railway/ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
5. Chief Personnel Officer/ East Coast Railway/ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
6. Mr.Indra Ghosh, General manager, E.Co Rly., E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
7. Mr.Manoj Ku.Mishra, Secretary to General Manager, E.Co Rly., E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
8. Mr.Prem Chandra, Chief Mechanical Engineer, E.Co Rly., E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
9. Mr.Subrat Tripathy, Sr.Deputy General manager-cum-Chief Vigilance Officer/ E.Co Rly., E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda
10. Deputy Chief Mechanical Engineer/HQ/East Coast Railway/ECor Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda



... Respondents

By the Advocates: Mr.T.Rath

ORDER(ORAL)

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

1. Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel representing the Railways.
2. This is a case where the applicant has filed this Original Application before this Tribunal challenging the order of transfer dated 1.4.2013 placed at Annexure-A/20. This order mentions that the applicant has been transferred along with the post from the headquarters of the East Coast Railways to the Office of D.R.M., Sambalpur Division on administrative interest.
3. Shri N.R.Routray, learned counsel for the applicant has mentioned that the applicant is not borne under the Zonal seniority and is borne under the Headquarters seniority and is, therefore, not liable to be transferred out of the E.C.Railway Headquarters. He has also made an allegation that because the applicant made a number of RTI Applications to the General Manager, therefore, this is an action which has been taken because of the annoyance expressed by the General Manager as communicated to the Deputy C.M.E., who is not a party to this case, through the Secretary to General Manager, who has been impleaded by name as Respondent No.7. Therefore, this order of transfer as per his pleadings is mala fide.
4. Shri T.Rath, learned Standing Counsel representing the Respondents has stoutly opposed the case of the applicant and mentioned that the General Manager is in no way connected with the



orders of transfer and there is no question of his being annoyed about the RTI activities of the applicant. He also mentioned that the Original Application has been moved by the applicant on the basis of hearsay rather than ~~no~~ <sup>on</sup> documentary evidence. Another point made by him is that the applicant is borne by the Zonal Seniority and therefore, he is liable to be transferred.

5. I have considered the submissions made by the learned counsel for the parties carefully. The transfer order has been made by the Chief Personnel Officer (Res.No.5). After the transfer order has been made the applicant has not approached any of the authorities who are higher in the hierarchy to the Chief Personnel Officer, ventilating his grievance. There has been a mention ~~that~~ <sup>of m</sup> <sup>R</sup> any internal administration <sup>ve</sup> <sup>which</sup> matters could be placed before the General manager seeking appropriate relief.

6. I also find that Section 20 of the A.T., 1985, clearly says that "ordinarily an application shall not be admitted unless the Tribunal is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules as to redressal of grievance".

7. Considering all these facts, the applicant is directed to make a suitable representation by placing all the facts before the General Manager, East Coast Railway (Res.No.1) seeking appropriate relief within a period of 10 days from to-day. If any such a representation is received, Respondent No.1 is directed to dispose of the same on merit, considering all the submissions made by the applicant within a period of four weeks from the date of receipt of such representation.



8. Status quo in respect of the applicant shall be maintained till the representation is disposed by the concerned authority.
9. With the above observation and direction, this O.A. is disposed of. No costs.
10. Send a copy of this order along with paper book to Respondent No.1 for compliance and free copies of this order be made over to the learned counsel for the parties.

  
(R.C.MISRA)  
MEMBER(A)

BKS