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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 352 OF 2013
CUTTACK, THIS THE 19TH DAY OF JUNE, 2013

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....
Manoranjan Khuntia,
Aged about 53 years,
S/o Laxmidhar Khuntia,
At/PO-Gobara, Dist- Cuttack,
At present working as O.S. Senior Section Engineer (PWY),
Khurda, At/PO/Dist- Khurda

.....Applicant

Advocate(s) M/s. K.P.Mishra, S. Mohapatra, T.P.Tripathy, L.P.Dwivedy.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Chandrasekharpur, Rail Bihar,
Bhubaneswar, Dist.-Khurda.
2. Divisional Railway Manger,
East Coast Railway, Khurda Road,
P.O.-Jatani, Dist.-Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railway, Khurda Road,
P.O.- Jatni, Dist.-Khurda.
4. Senior Divisional Engineer (Co-ordinator),
East Coast Railway, Khurda Road,
Dist.- Khurda.
5. K. Hema Rao, O.S.
O/o The Senior Section Engineer(W),
Berhampur, At/PO-Berhampur,
Dist- Ganjam.

..... Respondents

Advocate(s)..... Mr. T.Rath.

O R D E R (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Ms. S.Mohapatra, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served.

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2. Applicant, in this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, has assailed the order of transfer dated 03.05.2013 under Annexure-A/1 in which he has been transferred and posted under SSE/W/BAM vice one Sri K. Hema Rao. Ms. Mohapatra, Ld. Counsel for the applicant, submitted that this order of transfer is in a clear violation of the terms and conditions as enumerated under Establishment Circular No. 177/97 as the applicant's wife is also a railway employee and posted at Khurda. Though, the applicant's wife is not arrayed as one of the applicants still then representation has been submitted by her, which has been annexed under Annexure-A/4. Since applicant's wife has not been arrayed as applicant, we are unable to take into account the representation made by her. However, the applicant has also made a representation to DRM, E.Co.Rly. (Respondent No.2) on 05.06.2013. Ms. Mohapatra submitted that no consideration on the representation has so far been made as the applicant has not received any communication from the concerned authorities.

3. Mr. T.Rath, Ld. Standing Counsel for the Railways, submitted that as per the information received by him, applicant has already been relieved on 08.05.2013. Mr. Rath further submitted that Berhampur and Khurda Road are coming under the same division, namely Khurda Road Division. However, we find from Estt. Circular No. 177/97 that there is clear cut guideline that if both husband and wife are at the same post and they belong to either Group-C or D category then they may be posted to same station and if it is not possible then at the nearest station.

4. As the representation of the applicant has not received consideration, Ms. Mohapatra, Ld. Counsel for the applicant, submitted that the applicant will be satisfied if a direction is issued to the DRM, E.Co.Rly.



(Respondent No.2) to consider the said representation keeping in mind the provision made under Estt. Circular No. 177/97.

5. Taking into account the arguments advanced by Ms. Mohapatra, as well as Mr. Rath, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation made by the applicant on 05.06.2013, if it is still pending, and pass a reasoned and speaking order keeping in mind the provisions made under Estt. Circular No. 177/97 within 60 days from the date of receipt of this order.

6. As Mr. Rath submitted that the applicant has been relieved from his present place of posting which was confronted by Ms. Mohapatra, without entering into that arena, we direct that status quo in respect of the relieving of the applicant will be maintained till the representation is considered and disposed of by Respondent No.2.

7. With the aforesaid observation and direction, the O.A. stands disposed of at the stage of admission itself.


MEMBER (Admn.)

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MEMBER (Judl.)