

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A NO.396 OF 2013
Cuttack, the 28th OF JUNE, 2013

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

Pabitra Kumar Das,
aged about 52 years,
S/o-Muralidhar Das,
Resident of Village-Sadangoi Paschimbada,
P.O- Sadangay, P.S- Delang,
Dist-Puri-752 015,
At present working as Section Engineer,
C&W, Palasa under Khordha Division,
East Coast Railway. SSE(Tele) Project,
Bhubaneswar.

...Applicant

(Advocate(s) for the Applicant Mr. R.B. Mohapatra)

VERSUS

Union of India

1. Represented through
The General Manager,
East Coast Railway,
Rail Sadan,
Chandrasekharpur,
Bhubaneswar-751022,
Dist-Khurda.
2. Divisional Railway Manager,
East Coast Railway,
Khorda Division,
Khordha Road,
Po-Jatni, Dist-Khorda.
3. Senior Divisional Railway Manager (Personnel),
East Coast Railway,
Khorda Division,
Khordha Road,
Po-Jatni, Dist-Khorda.
4. Senior Divisional Mechanical Engineer,
East Coast Railway,
Khorda Division,
Khordha Road,
Po-Jatni, Dist-Khorda.

... Respondents

(Advocate- Mr. T. Rath)



5

ORDER(Oral)

MR. R.C. MISRA, MEMBER (A):

Heard Mr. R.B. Mohapatra, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Standing Counsel for the Railways.

2. Mr. Mohapatra submitted that in the present case the applicant is an office bearer in the Union but without ~~following~~ the procedure of transfer pertaining to office bearers being followed by the Respondents he has been transferred from Palasa to Khurda vide Office order dated 03.06.2013 (Annexure-13) of this O.A. The applicant has made a representation vide Annexure-A/14 dated 12.06.2013 to the Divisional Railway Manager E.Co. Rly. Khurda Road (Respondent N.2) making a prayer that the said transfer order should be cancelled. The submission of the Ld. Counsel for the applicant is that since due procedure has not been followed while effecting the transfer order, the same is liable to be set aside.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways on the other hand has submitted that in the representation made by the applicant on 12.06.2013, not a single word has been mentioned about his status as an office bearer of the Union. Rather the grounds which has been taken are of frequent transfers on false complaint made against the applicant to the authorities by his junior colleagues.

4. It appears, on going through representation that in fact no such mention about the status of the applicant as an office bearers has been made. Therefore, at this stage of admission, I would like to dispose of this O.A. by giving advice to the applicant to make a fresh representation within a week hence stating all the grounds which he has taken in the O.A. before Respondent No.2 after which the Respondents should consider the representation having regard to the present instruction about the transfer of ~~an~~ office bearers and dispose of the representation with a reasoned and speaking order and communicate the decision within a period of two weeks thereafter.

5. Mr. Rath has also submitted that in the meantime the present applicant has been relieved and a new employee has been joined.

Rath

6

Therefore, the applicant is not entitled to any interim relief. However, considering the facts and circumstances of this case, it is directed that till the disposal of the representation, to be filed by the applicant before Respondents, status quo in respect of the applicant shall be maintained.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. A copy of this order along with paper book of O.A. be sent to Respondent Nos.2 & 4 for compliance at the cost of the applicant for which Mr. R.B. Mohapatra, Ld. Counsel for the applicant undertakes to deposit the postal requisites by 01.07.2013.

Free copy of this order be made over to the Ld. Counsel appearing for both the sides.


(R.C. MISRA)
MEMBER(A)

K.B.