

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O.A NO.400 OF 2013
Cuttack, the 1st OF JULY, 2013**

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

T. Simhachalam,
aged about 40 years,
At-Puroshothapuram, Palasa,
Dist-Srikakulam, Andhra Pradesh,
At present working as Crew Controller (Mechanical),
East Coast Railway,
Titilagarh, Dist-Bolangir.

...Applicant
(Advocate(s) for the Applicant M/s. B.S. Tripathy, M.K. Rath, J. Pati, M. Bhagat.)

VERSUS

Union of India

1. Represented through
The General Manager,
East Coast Railway,
Rail Vihar,
At/PO-Chandrasekharpur,
Bhubaneswar.
Dist-Khurda.
2. The Divisional Railway Manager,
East Coast Railway,
Sambalpur Railway Division,
At/Po/Dist- Sambalpur
3. The Senior Divisional Mechanical Engineer,
East Coast Railway,
Sambalpur Railway Division,
At/Po/Dist- Sambalpur
4. The Divisional Railway Manager (Personnel),
East Coast Railway,
Sambalpur Railway Division,
At/Po/Dist- Sambalpur

... Respondents
(Advocate- Mr. T. Rath)



ORDER(Oral)

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

Heard Mr. B.S. Tripathy, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Standing Counsel for the Railways.

2. This Original Application has been filed by the applicant challenging the order of transfer from Titilagarh to Sambalpur vide Annexure-A/2 dated 13.06.2013, of the O.A. The applicant has brought out several family difficulties and he has made a representation to the Divisional Railway Manager, East Coast Railway, Sambalpur Railway Division i.e. Respondent No.2 praying for cancellation of the order of transfer which is stated to be still pending for consideration with the concerned authorities. Mr. Tripathy further mentions that this representation has been received by the authorities on 25.06.2013 as indicated from Annexure-A/3.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, however, has submitted that the applicant has been relieved in the meantime on 25.06.2013 in pursuance of the order of transfer dated 13.06.2013. This position is contested by Mr. Tripathy, Ld. Counsel for the applicant.

4. The representation which is made by the applicant against the order of transfer ^{stating} ~~mentioning~~ various difficulties is mentioned to be still pending for consideration of the concerned authorities. Therefore, at this stage of admission, I direct Respondent No.2 to consider the pending representation of the applicant and dispose of the same with a reasoned and speaking order and communicate decision to the applicant within 30(thirty) days of the receipt of the copy of the order.

5. Till such a decision is communicated, as on date, status quo in respect of the applicant shall be maintained.

6. Mr. Tripathy, Ld. Counsel for the applicant has subsequently submitted that transfer having been made in the middle of the academic session affecting the studies of the children deserves to be cancelled by the concerned authorities. In this regard he has cited a decision of the Hon'ble Apex Court reported in the case of Director of School Education, Madras and Ors. Vrs. O.Karupa Thevan and another, reported in (1994) 28 A.T.C. Page.99.

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7. However, I express no opinion on the merit of the case.
8. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.
9. A copy of this order along with paper book of O.A. be sent to Respondent No.2 for compliance at the cost of the applicant for which Mr. B.S. Tripathy, Ld. Counsel for the applicant undertakes to deposit the postal requisites by 02.07.2013.
10. Free copy of this order be made over to the Ld. Counsel appearing for both the sides.



(R.C. MISRA)
MEMBER(A)

K.B.