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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.479 OF 2013
Cuttack the 24th day of July, 2013

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

K.Hema Rao, aged about 59 years, S/o.Late K.Appa Rao, resident of Railway Quarter No.133/2, New Colony, Berhampur at present working as Office Superintendent under Sr. Section Engineer (Works), East Coast Railway, Berhampur, At/Po.Berhampur, Dist. Ganjam.

Applicant

(Advocates: M/s.B.S.Tripathy, M.K.Rath Mrs.M.Bhagat)

VERSUS

Union of India Represented through

1. The General Manager, East Coast Railway, Rail Vihar, At/Po.Chandrasekharapur, Bhubaneswar, Dist. Khurda.
2. The Senior Divisional Personnel Officer, East Cost Railway, Khurda Road Railway Division, At/Po.Jatni, Dist. Khurda.
3. The Senior Divisional Engineer (Co-ordination), East Coast Railway, Khurda Road Railway Division, At/Po.Jatni, Dist. Khurda.
4. The Assistant Divisional Engineer, East Coast Railway, Berhampur, At/Po.Berhampur, Dist. Ganjam.

... Respondents

(Advocate: Mr.T.Rath)

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OA No.479/13
KHRao-Vrs-UOI&OrsORDERA.K. PATNAIK, MEMBER (J):

The grievance of the Applicant in this OA is that by submitting representation dated 10.5.2013 he has prayed before the Senior Divisional Engineer (Co. Ordination), East Coast Railway, Khurda Road (Respondent No.2) to cancel his order of transfer and posting dated 3.5.2013 (Annexure-A/1) from Berhampur to Khurda on the grounds of his short period of service left to retire, the transfer would dislocate the treatment of his wife who is suffering from diabetes and sight problem and with his defective vision he cannot cross the rail lines at SSE (P.Way), KUR office to attend his duties in time. But he apprehends that before any response is received on his said representation he is likely to be relieved from his present place of posting. It is in this backdrop by filing the instant OA he has prayed to quash his transfer from Berhampur to Khurda as ordered in Annexure-A/1 dated 3.5.2013 and to direct the Respondents to allow him to continue at his present place of posting i.e. Berhampur.

2. We have heard Mr.B.S.Tripathy, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel (for the Railway) appearing for the Respondents and perused the materials placed on record.



3. Mr.Rath strongly objected to the entertaining this OA on the grounds that the applicant is holding a transferable post and that transfer being an incidence of service interference in the matter would cause severe administrative difficulties especially when the transfer is only from Berhampur to Khurda in public interest. However, Mr.Rath has fairly submitted that he has no immediate instruction on the representation of the applicant.


4. Mr.Tripathy submits that Shri M.R.Khuntia who has been posted in place of the applicant has approached this Tribunal in OA No.352 of 2013 and this Tribunal has also stayed his transfer/posting and, therefore, the order of transfer of the applicant needs to be stayed.


5. We are conscious about the scope of this Tribunal in interfering in the matters of transfer of an employee from one place to other in public interest. But it has been made clear by the Hon'ble Apex Court in very many cases that personal difficulties to be caused in the event of transfer are matters for the employer to consider. In the instant case we find that the applicant has submitted representation under Annexure-A/2 which is stated to be pending with Respondent No.3. In the aforesaid circumstances, we feel ends of justice would be met if this OA is disposed of at this

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admission stage with direction to the Respondent No.3 to consider and dispose of the representation at Annexure-A/2 (if the same is still pending) and communicate the result thereof in a well-reasoned order to the Applicant within a period of thirty days from the date of receipt of copy of this order and till then status quo as of date, in so far as relieve of the applicant from his present place of posting is maintained. Ordered accordingly.

6. Copy of this order along with OA be sent to Respondent No.3 at the cost of the applicant for which Mr.Tripathy, Learned Counsel for the Applicant undertakes to furnish postal requisite within three days hence.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)