

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O. A. No. 576 of 2013**  
**Cuttack this the 22<sup>nd</sup> day of August, 2013**

**CORAM**

**HON'BLE SHRI A.K.PATNAIK, MEMBER (J)**

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

.....

Shri Dillip Kumar Dash Sharma, aged about 49 years, S/o. Shri Gadadhar Dash Sharma, At-Waliganj, Ward No.3, Baripada, Dist. Mayurbhanj at present serving as Commercial in Charge at Bangiriposi Railway Station under Kharagpur Division/S.E.Railway, Kharagpur, West Bengal.

.....Applicant

(By the Advocate(s)-M/s.Suman Pattnaik, S.Das, H.Pradhan, C.Agrawal, B.S.Rayaguru)

**-VERSUS-**

**Union of India represented through**

1. Divisional Railway Manager (Personal), Kharagpur, S.E.Railways, Dist. Midnapur, West Bengal.
2. Senior Divisional Commercial Manager, Kharagpur, S.E.Railway, Midnapur, West Bengal.
3. The Chief Commercial Manager (G), 14 Strand Road, Kolkata-1.
4. The Chief Personal Officer, 14 Strand Road, Kolkata-1.
5. General Manager, S.E.Railway, Garden Reach, Kolkata-43.

.....Respondents

(By the Advocate(s)-Mr.T.Rath)



**O R D E R**

(Oral)

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

In this Original Application filed under section 19 of the Administrative Tribunals Act, 1985, the Applicant seeks to quash his order of transfer dated 29.7.2013 (Annexure-1) being not in consonance with the established procedure and to direct the Respondents to allow him to continue in his present place of posting at Bangiriposi Station.

2. In this regard, the applicant has brought to the notice of this Tribunal that after being discharged from Army he was selected and appointed as Commercial Clerk in the year 1990 and consequently posted to Vishakhapatnam. Thereafter on 11.2.2009 he was transferred and posted to Balasore. On 15.1.2010 he was transferred to Baripada Railway Station. On 12.7.2010 he faced Inter Divisional Transfer on administrative ground to Ranchi Division but the same could not be effected. On 4.8.2011, he was again transferred in an existing vacancy to Balasore Goods. On 24.1.2012 he was against transferred to Bangiriposi Railway Station. On 29.7.2013 he was transferred to Ranchi. However, being aggrieved he has made representation dated 13.8.2013 seeking cancellation of his order of transfer and apprehending his relieve before any decision



is taken on the said representation and as such by filing the present OA he has sought the aforesaid relief.

3. We have heard Ms.Suman Pattnaik, Learned Counsel for the Applicant and Mr. T.Rath, Learned Standing Counsel for the Railway ( on whom copy of this OA has been served) and perused the records.

4. Law is well settled in the case of in the case of **B. Varadha Rao v. State of Karnataka, (1986) 4 SCC 131** that one cannot but deprecate that frequent, unscheduled and unreasonable transfers can uproot a family, cause irreparable harm to a government servant and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and results in hardship and demoralization. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally.

5. Prima facie it appears that the applicant is a victim of such frequent and unscheduled transfer yet at this stage it is difficult for us to take any concrete decision as it has been contended by Mr. Rath that as the transfer of the applicant is in administrative exigency the Tribunal should not interfere on the same. Be that as it may, we find that the applicant submitted his representation on 13.8.2013 (Annexure-8) and it is the specific case of the applicant that no

*latter*

decision has been communicated till date. In view of the above, without expressing any opinion on the merit of the matter, we dispose of this OA with direction to the Respondent No.2 to consider and dispose of the representation dated 13.8.2013 (Annexure-8) (if the same has been sent by the applicant and is still pending with him) 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 a copy of this order. Taking into consideration the submission of the learned Counsel for the Applicant that the applicant has not been relieved from his present place of posting it is ordered that status quo as of date in so far as relieve of the applicant shall be maintained till a decision is taken and communicated, as directed above, to the applicant. There shall be no order as to costs.

6. As prayed for by the learned counsel for the applicant copy of this order along with OA be sent to the Respondent No.2 at the cost of the applicant; for which learned counsel for the applicant undertakes to deposit the required postal requisite in the registry by tomorrow.



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



(A.K.PATNAIK)  
Member (Judl.)