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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00291 OF 2014
Cuttack this the 1st day of May, 2014

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

.....
Bijay Kumar Das, aged about 40 years,
S/o- Rabindra Kumar Das,
At present working as JEE/CRW/MCS/E.Co.Rly,
Permanent resident of
Plot NO. 1294/4, Nayapalli, Bhubaneswar-12,
Dist. Khurda, Odisha.

.....Applicant

Advocate(s)- M/s- N.R. Routray, Smt. J. Pradhan, T.K. Choudhury, S.K.Mohanty

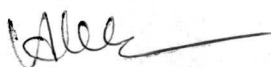
VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R Sadan,
Chandrasekharapur, Bhubaneswar, Dist-Khurda.
2. Divisional Railway Manager/
East Coast Railway/ Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
3. Divisional Railway Manager(P)/
East Coast Railway/ Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
4. Senior Divisional Electrical Engineer/
East Coast Railway/ Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
5. Workshop Personnel Officer/
East Coast Railway, Carriage Repair Workshop,
Mancheswar, Bhubaneswar, Dist- Khurda.
6. Deputy Chief Electrical Engineer/
East Coast Railway, Carriage Repair Workshop,
Mancheswar, Bhubaneswar, Dist- Khurda.

..... Respondents

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



ORDER (ORAL)

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

Copy of this O.A. has been served on Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, and perused the materials placed on record.

2. The case of the applicant in nutshell is that having been transferred from the office of the Dy. CEE/W/S/MCS to SSE/P/KUR, he has submitted a representation on 10.04.2014 seeking cancellation of his transfer. The said representation was considered by the authorities but rejected vide Annexure-A/5 on the ground that the applicant has been continuing at MCS for the last 13 years and both husband (Applicant in the O.A.) and his wife have been posted to the same station, i.e. Khurda. By ventilating his grievance, against the said rejection order, the applicant submitted an appeal to DRM, Khurda Road Division (Respondent No.2) on 27.04.2014 stating therein that his transfer is not in accordance with the provisions and that in case his transfer is given effect to, the same will create disharmony and dislocation of his family members/family and the study of his children will also hamper. Mr. Routray, Ld. Counsel for the applicant, submitted that till date he has not received any reply on the said appeal submitted to the DRM.

3. On the other hand, Mr. Rath, referring to the grounds cited in the transfer order, justified the transfer of the applicant and opposed the prayer




made in the Original Application.


4. We find from the record that appeal has been submitted by the applicant only on 27.04.2014 and this O.A. has been filed on 29.04.2014, i.e. just after two days of submission of the appeal. In other words, the appeal might not have reached the concerned authority till date. Be that as it may, this being a matter of transfer and applicant's interim prayer being to stay the order of transfer, we do not feel it expedient for the sake of justice not to entertain this O.A. at this stage on the above score.

5. Taking into account the various submissions made by Ld. Counsel for both the sides, without going into the merit of this case and without making any roving comment, we direct Respondent No.2 to consider and dispose of the appeal as per Rules within a period of 30 days from the date of receipt of copy of this order and communicate the result thereof to the applicant. Till the appeal is disposed of by the Respondent No.2 status quo in respect of the applicant's continuance shall be maintained.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

7. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent Nos. 2, 3 and 6 by Speed Post at the cost of the applicant, for which Shri Routray undertakes to furnish the postal requisites by 05.05.2014.

(R.C.MISRA) 
MEMBER (Admn.)


(A.K.PATNAIK)
MEMBER (Judl.)