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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.260/00804/2014

Cuttack this the 14th day of November, 2014

CORAM

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

Jagadish Chandra Mahato
Aged about 40 years
S/o. S.J. Falari Mahato
At-Alokdi, PO-Kulabahi, PS-Hena
Dist-Purulia, West Bengal
At present working as Sr.Trackman
At/PO-Tangi
Dist-Cuttack
Under the Divisional Railway Manager
East Coast Railway
Khurda

...Applicant

By the Advocate(s)-Ms.R.Singh
-VERSUS-

Union of India represented through the

1. The General Manager
East Coast Railways
At/PO-Chandrasekharapur
Rail Vihar
Bhubaneswar
Dist-Khurda
2. The Divisional Railway Manager
East Coast Railways
Khurda Road Division
Khurda
At/PO-Jatni
Dist-Khurda
3. The Chief Personnel Officer(Administration)
East Coast Railway
2nd Floor
South Block
E.Co.R.Sadan
Mancheswar
Bhubaneswar
Dist-Khurda



4. The General Manager,
South Eastern Railways
Fairlie Place
Kolkata-43
West Bengal
5. The Divisional Railway Manager
Adra Division
South Eastern Railways
Garden Reach
Kolkata-43
West Bengal
6. Bansidhar Nayak
Aged about 38 years
S/o. late Madhav Chandra Nayak
At present working as Sr.Trackman
Under the Divisional Railway Manage
South Eastern Railway
Adra Kolkata-43
West Bengal

...Respondents

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

ORDER

R.C.MISRA, MEMBER(A):

Heard Ms.R.Singh, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel for the Respondent-Railways.

2. Applicant has filed this Original Application under Section 19 of the A.T.Act, 1985 by stating that he is at present working as Sr.Trackman in the East Coast Railways and while working as such he has made a representation for a mutual transfer to be posted in Adra Division of the S.E. Railways. It is also mentioned that one Bansidhar Nayak, who is also working as Sr.Trackman under the DRM, S.E.Railways in Adra Division has also given his willingness for his transfer to East Coast Railways in place of the applicant. It is the case of the applicant that applications for a mutual transfer in the prescribed form had been submitted by the applicant as well as the said Bansidhar Nayak on 31.1.2006. Even after lapse



of such a long time no orders were passed regarding the mutual transfer because of which applicant has preferred a representation dated 26.11.2013 to the General Manager, East Coast Railways, DRM, East Coast Railways and Chief Personnel Officer, East Coast Railways with a copy being addressed to the DRM, S.E. Railways, Adra Division and having received no response, he has moved this Tribunal in the present O.A.

3. On the other hand, Shri Rath has pointed out that since this is a case of mutual transfer, the matter was taken up by the Assistant Personnel Officer of East Coast Railways with the General Manager(P) of S.E. Railways by a letter dated 25.11.2009(Annexure-A/2). In this letter, the East Coast Railways authorities have given their consent for mutual transfer and have asked the S.E.Railways to send the application of Shri Bansidhar Nayak, Sr.Trackman along with the required documents for further processing of the matter. It appears that thereafter, no further development has taken place and the applicant is also not in a position to mention what further action was taken by the authorities and what is the follow up action also taken by him in this regard. Subsequently, on 26.11.2013 a representation has been made by the applicant.

4. It appears from the submissions made by the learned counsel for both the sides that this is a case of mutual transfer which is pending for quite sometimes. Shri Rath pointed out that there are certain administrative procedures involved in effecting mutual transfer between the two Zonal Railways. However, since the applicant is working at East Coast Railways, he has naturally represented to the General Manager, East Coast Railways on 26.11.2013 for expediting his case. At



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this stage, therefore, without going into the merit of the matter, I direct the General Manager, East Coast Railways (Res.No.1) to consider the representation of the applicant, if it has been received and is pending, with reference to ^{the} ~~his~~ ² earlier correspondences made in this regard and pass a reasoned and speaking order regarding the grievance of the applicant within a period of sixty days from the date of receipt of this order.

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

6. As agreed to by learned counsel for both the sides copy of this order along with paper book be sent to Respondent Nos. 1, 2 and 3 by Speed Post at the ^{cost of} ~~with~~ ² the applicant for which postal requisites be filed with the Registry by 17.11.2014.

Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

BKS