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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 228/2010**

**DATE OF ORDER: 15.07.2011**

**CORAM:**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Dinesh Kumar Nagar S/o Shri Mahesh Kant Nagar, aged 54 years, R/o 16-B, Ambedkar Colony, Near Mahaveer Cinema, Abu Road, Dist. Sirohi (Raj.) (Posted as JEn-II Drawing, Assistant Divisional Engineer Office, Abu Road).

...Applicant.

Mr. K.K. Shah, counsel for applicant.

**VERSUS**

1. The Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, Divisional Office, N.W. Railway Ajmer.
3. Assistant Divisional Engineer, North Western Railway, Abu Road, Dist. Sirohi.
4. Western Railway represented by its General Manager, Mumbai - as per court order dated 15.07.2011.

... Respondents.

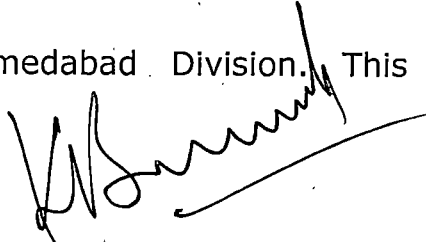
Mr. Salil Trivedi, counsel for respondents nos. 1 to 3.

**ORDER**

**(Per Dr. K.B. Suresh, Judicial Member)**

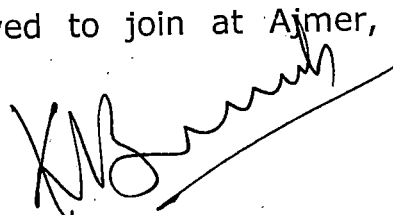
We have heard both the learned counsels for the parties and examined the pleadings. After hearing them in detail, we have come to a conclusion that in view of the expression of Annexure A/2 dated 02.02.2010 and the earlier orders passed by us in the connected OAs, the following orders shall satisfy the cause of justice:

- (i). The applicant is allowed to re-agitate his representation, which he had, apparently, made in 2003 for his transfer to Western Railway, Ahmedabad Division. This energising shall be



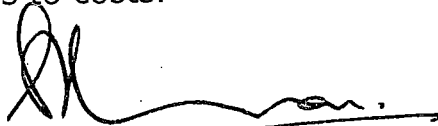
initiated by the applicant by another properly elucidative representation within the next two weeks.

- (ii). On receipt of such representation, the concerned authority shall examine it, and by recommending for its implementation, send it to the Western Railway, Ahmedabad Division in view of practical difficulties in implementing Annexure A/2.
- (iii). During the course of hearing, in the presence of the learned counsel for the respondents, it is submitted by the applicant's counsel that the applicant will be agreeable for bottom seniority, but he prays that if it is possible for the Western Railway to consider his past service also, an opportunity may be made available to them to consider it in all its aspects. The Western Railway is not a party to this litigation, therefore, for the purpose of implementation of this order, we hereby implead them, suo motu, as respondent no. 4. The Western Railway on receipt of such recommendation from the respondents herein; shall consider the representation of the applicant within a time frame of next six months in all its aspects.
- (iv). In the meanwhile, within a period of one week, the applicant is allowed to join at Aimer, and the

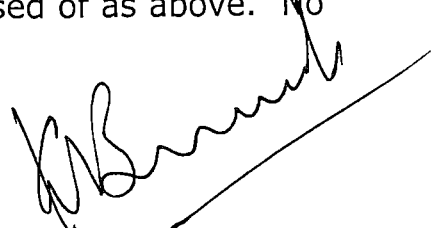


respondents are directed to consider the issue in all its aspects and also the resolution of determination of the interregnum period till his joining, within a period of three months next.

2. The Original Application is, thus, disposed of as above. No order as to costs.



**(SUDHIR KUMAR)**  
**ADMINISTRATIVE MEMBER**



**(DR. K.B. SURESH)**  
**JUDICIAL MEMBER**

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