CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR

ORIGINAL APPLICATION NO. 161/2011

DATE OF ORDER: 21.07.2011

CORAM:

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

Smt. Akanksha Mathur W/o Shri Sumit Mathur, aged 28 years, Enquiry cum Reservation Clerk, North Western Railway, Jodhpur R/o 1-B 38, Pratap Nagar, Jodhpur.

...Applicant.

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Jodhpur.
3. Senior Divisional Personnel Officer, North Western Railway, Jodhpur.
4. Senior Divisional Commercial Manager, North Western Railway, Jodhpur.
5. Chief Reservation Supervisor, North Western Railway, Jodhpur.

... Respondents.

Mr. Salil Trivedi, counsel for respondents.

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

Heard the learned counsels for both the sides and examined the pleadings and records. It would appear that the interest of justice would be met if the applicant is allowed to file a representation before the concerned authority, and the respondents are directed to consider such representation within two months next and pass a reasoned and speaking order.

2. Therefore, the applicant is allowed to submit a representation within two weeks next, and the respondents shall

consider such representation within two weeks thereafter and pass appropriate order.

3. The question thereof would arise what to be done about the posting of the applicant in the interregnum. The learned counsel for the respondents would submit very vehemently that the applicant must join first to the new place of posting, and thereafter the respondents will consider the representation. But it is pointed out that in that case since the transfer is in public interest, unnecessary expenditure would be wasted by posting them to another place, and later, if found necessary, to bring them back. It is also pointed out that this may also have a prejudicial focus on consideration of the representation of the employee. Therefore, we direct that for a period of one month, during which, the matter is to be considered by the respondents, the applicant shall be allowed to work on the present place of posting. In fact, the continued posting shall be contemporaneous with the consideration above stated.

4. 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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