

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00431/2016

Jodhpur, this the 28<sup>th</sup> day of September, 2016

**CORAM**

**Hon'ble Mr. Sanjeev Kaushik, Judicial Member  
Hon'ble Ms. Praveen Mahajan, Admn. Member**

Hemraj Meena s/o Late Sh. R.D.Meena, aged about 34 years, R/o 14-A Sadul Colony, Bikaner. Presently working on the post of Chief Health and Malaria Inspector, Railway Colony, Bikaner.

.....Applicant

By Advocate: Mr S.K. Malik

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Sr. Divisional Personnel Officer, North Western Railway, Bikaner Division, Bikaner,
3. Chief Medical Superintendent, North Western Railway, Bikaner.

.....Respondents

By Advocate : ....

**ORDER (ORAL)**

**Per Hon'ble Mr. Sanjeev Kaushik, Judicial Member**

The present application is directed against the order dated 15.09.2016 (Annexure A-1) whereby the applicant has been transferred from Bikaner to Suratgarh.

2. Shri S.K.Malik, learned counsel for the applicant submits that the applicant is working at Bikaner and his wife is also working there. They were posted at a particular station i.e. Bikaner being a couple case in view of the policy issued by the Government of India. The applicant has been transferred from Bikaner to Suratgarh, whereas his wife continued at Bikaner and in view of the above policy, he submitted that husband and wife are to be posted at same place. In this regard, he has already made representation, which is still pending with the respondents. Therefore, the respondents be directed to decide the same in view of the instructions issued by the Government of India. The learned counsel for the applicant also submits that the applicant has not been relieved till date.

3. Shri Malik, further submits that he is also willing to file a fresh representation within three days from the date of receipt of a copy of this order and the respondents may be directed to decide the same within two weeks thereafter, as the impugned order is in violation of the policy. Till then, operation of the impugned order may be stayed.

4. Issue notices to respondents. Shri Vinay Jain accepts notices on behalf of the respondents and submits that he may be granted 10 days' time to decide the representation.

5. In view of above, we dispose of this application with direction that if the applicant submits representation within 3 days from the date of receipt of a copy of this order, the competent authority amongst the respondents is directed to consider and decide the representation of the applicant within 15 days thereafter by passing a reasoned and speaking order. While deciding the same, the respondents may also consider the instructions and policy of the Government of India on the subject. The order so passed be duly communicated to the applicant. Till the respondents take a decision on the representation, the operation of the impugned order is stayed.

6. Disposal of this OA may not be construed as an expression of any opinion on the merit of the case.

7. No costs.

  
(PRAVEEN MAHAJAN)  
Administrative Member

  
(SANJEEV KAUSHIK)  
Judicial Member

R/

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~~R/C  
S. K. Malhotra  
3/19/16~~

S. K. Malhotra  
3/19/16