

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No. 1295/97

Date of Order : 17.11.97

Present : Hon'ble Dr. B.C. Sarma, Administrative Member.  
Hon'ble Mr. D. Purkayastha, Judicial Member.

Sri Debabrata Barik

...Applicant.

-v e r s u s-

Union of India & Ors.

...Respondents

For the applicant : Mr. R.S. Ghosh, counsel.  
Mr. A.N. Dhar, counsel.

For the respondents : Mr. B. Mukherjee, counsel.

UNLISTED

O R D E R

B.C. Sarma, AM

This application has been moved by the applicant as an unlisted motion in view of the urgency. The applicant in this application has challenged the impugned order dated 24.10.97 as set out in Annexure-H to the application whereby he has been transferred from Mughalsarai to Dhanbad. The applicant holds the post of Dy. Accounts Officer. As per alleged guidelines dated 20.8.97 produced before us, the applicant has been transferred to ~~Dhanbad~~ <sup>Asansol</sup> ~~Asansol~~. The Id. counsel for the applicant on this ground stated that the impugned transfer order dated 24.10.97 should be cancelled and he should be transferred to Asansol.

2. Mr. B. Mukherjee, Id. counsel appearing on behalf of the respondents strongly opposed the application. However, none of the Id. counsel did not make any submission whether the applicant has been released from Mughalsarai or not.

3. We have heard the submission of the Id. counsel for both the parties and perused records. We find that the so-called guideline is not at all a guideline which was issued under order <sup>not by</sup> any Railway Officer. This guideline should not have been shown to us and hence it has been ignored. We further find that the representation has been filed by the applicant as set out in Annexure-I to the application on 31.10.97. We

have been given to understand that the said representation has not been disposed of.

4. In view of the above position, the application is dismissed at the stage of admission with the direction that within a period of one month from the date of communication<sup>of this order</sup> the representation shall be disposed of since it has been filed after the issuance of the impugned order passed by the respondents. The result of such consideration shall also be conveyed to the applicant within the same period as given to the respondents. We further order that the respondents shall not release the applicant from his present post, if not already released, till such consideration is given to his representation. No order is passed as regards costs.



(D. Purkayastha)  
M e m b e r (J)



(B.C. Sarma)  
M e m b e r (A)