

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 459 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Sri Rajendra Kumar
S/o Late, Bakiy Behari Pathak,
of 464C, Ambagan Loco Colony,
P.O. Burdwan, P.S. Burdwan (Sadar)
Dist- Burdwan.

... ... Applicant.

Vrs.

1. Union of India,
service through the Chairman,
Rly. Board, New Delhi.
2. The General Manager,
E. Rly, Fairlie Place,
Ex N.S. Road, Cal-1.
3. The Divl. Rly. Manager,
E. Rly, Howrah.
4. The Chief Comm. Manager,
E. Rly, Calcutta.
5. The Chief Inspector Ticket (G),
E. Rly, Howrah.
6. The Sr. Divl. Personnel Officer,
E. Rly, Howrah.
7. The Divl. Personnel Officer,
E. Rly, Howrah.

... ... Respondents.

For Applicant : Mr. Bhubaneswar Sinharay, Advocate,
For Respondents : Mr. C. Samaddar, Advocate.

Heard on : 28.4.97.

Ordered on : 28.4.97.

O R D E R

B.C.Sarma, AM.

This application has been moved as an unlisted matter.
The applicant was holding the post of Khalasi Helper in the
Diesel Shed Organisation and on the ground that he did not receive
any promotion and the prospect of promotion was very bleak in that

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department, he sought a mutual transfer with one Shri Bhim Chandra Soren in the Commercial Department of the railway respondents. This mutual transfer to a lower grade was allowed. The applicant is now aggrieved by the fact that by the impugned Order dated 27th March, 1997 the said mutual transfer was cancelled and the applicant was sent to the original department and, hence, this application.

2. When the admission hearing of the matter was taken up today Mr. Sinharoy submits that the applicant has wanted to leave the Diesel Shed Organisation/Deptt. because it does not have scope of promotion and, therefore, the respondents should consider his case by posting him in any other organisation/deptt. where there is scope of promotion.

3. Mr. Samaddar, 1d. Counsel appearing on behalf of the respondents submits that he would file a reply in this case.

4. We have heard the submission of the learned Counsel for both the parties, perused records and considered the facts and circumstances of the case. Since the question of dispute to be adjudicated in this matter is very simple, we are of the view that no reply need be filed in this case. The appropriate order to be passed in this case will be to give a suitable direction on both the parties in the matter.

5. In view of the above the application is disposed of at the stage of admission itself with the direction that the applicant, within a period of one month from the date of this order, shall file a comprehensive representation to the appropriate authority, who is the respondent no. 6, the Sr. Divl. Personnel Officer, E. Rly, Howrah, making appropriate prayer therein and on receipt of such prayer the respondent no. 6 shall dispose it of within a period of one month from the date of receipt of that



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representation and the result of representation shall convey to the applicant within 15 days thereafter. We further direct that till the decision is taken by the respondents and also convey their decision, the applicant shall be permitted to function in the Commercial Department if he has not been released already.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)

P/K/B.