

~~BEFORE~~ THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

ORIGINAL APPLICATION NO. 290 OF 2003

this, the 17th day of June 2003.

HON. MR. RAFIQ UDDING MEMBER(J)

1. Kapil Dev, aged about 43 years Son of Sri Ram Dularey, Resident of Village Jeetpur, Post Badha-Gara, District Gorakhpur presently working in Senior section Engineer Rail Path/Purva, Gorakhpur (Crack Man).
2. Lallan Prasad, aged about 45 years son of Ram Pyarey Resident of Village Gada<sup>wa</sup>, Post Mahabf Chhapar, District Gorakhpur.
3. Pramod Kumar, aged about 46 years son of Laxmi Narain Resident of Village Jatepur Dakshin Jata Shanker Chowk, Gorakhpur.
4. Jhanai, aged about 54 years son of Ram Prasad Resident of Village Harpur, District Mahrajganj.
5. Ram Bachan, aged about 41 years son of Sohrat Resident of Village Bankati, Post Lok Bidha Peethnagar, District Mahrajganj.
6. Shiv Pujan, aged about 52 years son of Ram <sup>B</sup>ali Resident of Village Bankati Lok Bidhapeethnagar District Mahrajganj.

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7. Kush har, aged about 47 years son of Garib Resident of Village Teeragaon, Post Manipur Sandauli, District Gorakhpur.
8. Raj Kumar, aged about 46 years son of Patandin Resident of Village Bawalia Colony, Post Dhamshala Bazar, District Gorakhpur.
9. Basharat Ali, aged about 36 years son of Late Lal Mohammad Resident of Village Deipar, Post Piprauli, District Gorakhpur.
10. Ram Gati aged about 45 years son of Kshengau, Resident of Sihapar, Post Uttar Tola, Sahjanwa, Gorakhpur.
11. Bajrangi Mishra, aged about 45 years son of Ram Karan Mishra, Resident of Village Khumaipur, District Gorakhpur.
12. Molhu, aged about 42 years son of Fauzdar, Resident of Village Laxmipur, District Mahrajanj.
13. Radhey Shyam, S/o Algoo, R/o Vill. Tola Churai, Post Mahulani, Sidhharthnagar.

..... APPLICANTS

BY ADVOCATE SHRI P.K. SRIVASTAVA.

VERSUS

1. Union of India, through Secretary, Ministry of Railways, <sup>RAIL BHAWAN</sup> ~~Parliament~~, New Delhi.
2. Divisional Railway Manager, North-Eastern Railway (Kamik), Lucknow.
3. Assistant Engineer (West) North-Eastern Railway, Gorakhpur.

..... OPPOSITE PARTIES

BY ADVOCATE SHRI ARVIND KUMAR.

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ORDER(ORAL)

BY RAFIQ UDDIN MEMBER(J)

The applicants who are working as Trackman under Senior Section Engineer, have<sup>3</sup> been transferred from Gorakhpur to Lakhimpur-Kheri vide impugned order dated 22.11.2002 and have also been directed to <sup>be</sup> relieved with immediate effect vide impugned relieving order dated 6.6.2003(Annexure-1). The applicants have challenged the validity of their transfer order on various grounds.

2. The learned counsel for the parties have been heard.

3. It has been stated at the outset by the learned counsel for the respondents that out of 13, five applicants namely Pramod Kumar, Jhamai, Ram Bachan, ~~xxx~~ Shiv Pujan/<sup>& Ram Gati</sup> have been accommodated at Gorakhpur vide letter dated 13th June 2003. It has also been submitted by the learned counsel for the respondents that the case of remaining eight applicants may also be reconsidered by the respondents for accommodating them at Gorakhpur if so directed by this Tribunal.

4. The learned counsel for the applicant has also pointed out that the representation dated 11.6.2003 (Annexure No. A-5) ~~which~~ is also pending for consideration before opposite party No. 2.

5. Under, the facts and circumstances of the case, the O.A. is finally disposed of with the

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direction to the Respondent No. 2 to reconsider the case of the remaining applicants namely Kapil Dev, Lallan Prasad, Kush har, Raj Kumar, Basharat Ali, ~~Ram Chandra~~, Bajrangi Mishra, Molhu and Radhey Shyam for accommodating them at Gorakhpur in the light of grounds mentioned in their representations dated 11.6.2003 within a period of one month from the date of communication of this order. It is also provided that till the suitable order is passed on the representation of the applicants, they will not be forced to join at their place of posting in the Lakhimpur Kheri / ~~Gonda~~ No costs.



MEMBER(J)

Lucknow; dated; 17.6.2003.